



# **Commonwealth of the Northern Mariana Islands Compilation of School Discipline Laws and Regulations**

Prepared: March 31, 2021

## ***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 March 2021. 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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## ***Commonwealth of the Northern Mariana Islands Codes Cited***

### **Commonwealth of the Northern Mariana Islands Revised Laws**

#### **Title 1. Government**

##### **Division 2. Executive Branch**

###### **Part 1. Organization of the Executive Branch**

###### **Chapter 5. Public School System**

###### **Article 2. Board of Education**

[§ 2268.](#) Board of Education: Powers, functions, and duties

#### **Title 3. Human Resources**

##### **Division 1. Education**

###### **Chapter 1. Education Act of 2017**

###### **Article 3. Compulsory Attendance**

[§ 1131.](#) Elementary, middle, and secondary schools

#### **Title 6. Crimes and Criminal Procedure**

##### **Division 3. Miscellaneous Offenses**

###### **Chapter 1. Offenses Against Public Peace, Safety and Morals**

###### **Article 4. Prohibition of Smoking**

[§ 3175.](#) Prohibition of smoking on property of the public school system

##### **Division 5. Juvenile Justice**

###### **Chapter 1. Juvenile Justice Act**

###### **Article 7. Juvenile Justice Act Violations and Schools Intervention**

[§ 5161.](#) Truancy

[§ 5163.](#) School attendance - Jurisdiction over students and parents

##### **Division 10. Special Act for Firearms Enforcement (SAFE)**

###### **Chapter 4. Gun Free Zones**

[§ 10401.](#) Gun free zones

# Commonwealth of the Northern Mariana Islands Regulations

## **Title 60. Board of Education**

### Chapter 60-20. Public School System Rules and Regulations

#### **Part 001. General Provisions**

##### **Part 100. Organization, Philosophy and Goals**

§ 60-20-115. Powers and duties

##### **Part 400. Students**

###### **Subpart A. Nondiscrimination and Student Rights**

§ 60-20-401. Discrimination and harassment prohibited

§ 60-20-403. Bullying

§ 60-20-404. Searches by school personnel

§ 60-20-406. Releasing and referring students to the Department of Public Safety

§ 60-20-408. Employees of Department of Public Safety on campus

###### **Subpart C. Attendance**

§ 60-20-420. Student Attendance

§ 60-20-426. Truancy and educational neglect procedures

###### **Subpart F. Discipline**

§ 60-20-438. Jurisdiction

§ 60-20-440. Day to day discipline

§ 60-20-442. Detention

§ 60-20-444. In-school suspension

§ 60-20-446. Offense categories

§ 60-20-448. Suspension

§ 60-20-450. Expulsion

§ 60-20-452. Hearing procedures

§ 60-20-454. Appeal to the Board of Education

§ 60-20-458. Enrollment or return following suspension and/or expulsion

§ 60-20-462. Student vehicle use

§ 60-20-464. Student attire and appearance

§ 60-20-466. Student participation in secret organizations and gangs

§ 60-20-468. Student use and care of school property

§ 60-20-470. Student use of tobacco, alcohol, drugs and betel nut

###### **Subpart J. Restraint and Seclusion Policy and Regulation**

§ 60-20-490. Policy

§ 60-20-491. Definitions

§ 60-20-493. Determining when physical restraint may be used

§ 60-20-494. Proper administration of physical restraint

§ 60-20-495. Reporting requirements

##### **Part 500. Instructional Services**

§ 60-20-530. Alternative learning settings

**Part 800. Support Services**

**Subpart B. Safety, Security and Communications**

§ 60-20-810. Accident/incident reporting

## ***Codes of Conduct***

### **Authority to Develop and Establish Codes of Conduct**

#### **LAWS**

##### **§ 2268. Board of Education: Powers, functions, and duties.**

- (a) To formulate policy and exercise control over the Commonwealth Public School System through the commissioner;
- (b) To establish and revise as necessary on its own or through its agents, rules, regulations and policies for the operation of the Public School System, including policies relating to the appointment, promotions, and removal of all Public School System staff, health and welfare benefits, financial affairs and budgeting;
- (c) To approve and establish curricula and courses of instruction, including marine conservation and environmental management, and administrative policies of the Public School System, including special projects and federally funded programs;
- (d) To recommend to the legislature the annual report of the Public School System pursuant to N.M.I. Const. art. XV, § 1(e);
- (e) To propose appropriate legislation and to make recommendations to the legislature on policies governing the use of English, Chamorro, and Carolinian languages in the public schools;
- (f) To accept on behalf of the Public School System, gifts, grants, donations, bequests, and other contributions providing that all contributions shall be made public through media or other forms of publication;
- (g) To authorize the awarding of diplomas and certificates to students of the Public School System;
- (h) To approve long-range plans for the orderly development of the Public School System, including building needs;
- (i) To prepare the high schools for accreditation;
- (j) To establish and maintain trust funds for special projects of the Public School System; provided that trust funds shall only be established pursuant to subsection (f) of this section;
- (k) The members of the board shall be the trustees of the trust funds and shall administer them in accordance with the terms under which the funds are received. The funds shall be administered separately from appropriated Commonwealth funds. The trustees shall be held to strict standards of fiduciary care;
- (l) To acquire property by lease, option, purchase, in fee simple, and condemnation as necessary for the operation of the Public School System, when the board determines it to be in best interest of the Public School System, and, to dispose of the same in any manner which is now or may hereafter be provided by law; provided, that any transaction involving public property shall, when necessary, be done in consultation with the Marianas Public Land Corporation; or any other legal entity similar to MPLC that may thereafter be established;
- (m) To adopt the official seal of the Public School System;
- (n) To act in its own name with respect to federal programs;
- (o) To establish certification standards for all professional positions within the Public School System;
- (p) To establish school attendance districts;
- (q) [Repealed by PL 11-32 § 2(a).]
- (r) To report on its affairs to the Governor and the legislature on or before January 30 of each year;



- (s) To establish student disciplinary procedures and guidelines for student rights and responsibilities;
- (t) To disseminate pertinent information to the public regarding rights of students and parents;
- (u) To approve functional and operational organization charts for the Public School System;
- (v) To include programs for gifted and talented children, to prioritize arts and Japanese language instruction within their special projects;
- (w) To perform all acts as may be necessary to carry out the purpose of this chapter or 3 CMC § 1101 et seq. To take such action as it deems necessary and proper to operate the Public School System and the Board of Education, further its purpose, administer its services, and perform its duties.
- (x) To establish a minimum core curriculum and length of school year standard for non public schools.

**§ 3175. Prohibition of smoking on property of the public school system.**

- (a) It shall be unlawful at all times for any person or an employee of any public school or college to smoke on school or college property. Any person or employee who knowingly violates this section shall be subject to the penalties under 6 CMC § 3182.
- (b) It shall be unlawful for any student enrolled in public schools, colleges, or trade schools in the Northern Marianas to use tobacco products of any type on school property.
- (c) The Public School System and the Northern Marianas College shall establish by regulation a policy dealing with students who violate this law. This policy shall, at a minimum, include mandatory education classes on the hazards of tobacco use.

**REGULATIONS**

**§ 60-20-440. Day to day discipline.**

Principals and designated personnel are specifically authorized by this policy to impose or recommend day to day discipline including, but not limited to, in-house detention, parent conferences, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable disciplinary measures.

**Scope**

**LAWS**

No relevant laws found.

**REGULATIONS**

**§ 60-20-403. Bullying.**

(a) It is the policy of the CNMI State Board of Education to prohibit bullying, harassment, or intimidation of any person on school property or at school-sponsored functions or by the use of electronic technology at a public school. It is the policy of the CNMI State Board of Education to prohibit reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.

(b) Definitions

(1) As used in this regulation, "bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

- (i) Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability;
- (ii) Threatening or seriously intimidating;
- (iii) Occurs in a school setting and/or with school property; and
- (iv) Substantially disrupts the orderly operation of a school.

(2) Examples of bullying may include but are not limited to:

- (i) Physical: hitting, kicking, pushing, shoving, getting another person to hurt someone;
- (ii) Verbal: racial slurs, name-calling, teasing, taunting, verbal sexual harassment, gossiping, spreading rumors; or
- (iii) Non-verbal: threatening, obscene gestures, isolation, exclusion, stalking, cyber-bullying (bullying that occurs by means of electronic communication).

(3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or page.

(4) "School setting" means in the school, on school grounds, in school vehicles, at a designated school bus stop or at any activity sponsored, supervised or sanctioned by the school.

(5) "School property" means the school computer or telephone and encompasses the use of electronic technology at a public school.

#### (c) Complaints

(1) Any student who believes that he or she is a victim of bullying should report the matter immediately to the building principal. If the student feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the vice principal. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS Human Resources Director.

(2) There will be no retaliation against, or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to bullying.

(3) The responsible administrator shall follow up regularly with the complaining student to ensure that the bullying has stopped and that no retaliation has occurred.

#### (d) Discipline/Consequences

(1) Any student who engages in bullying while on school property or while participating in school activities will be subject to disciplinary action, up to and including expulsion.

(2) Any employee who permits or engages in the bullying of students will be subject to disciplinary action, up to and including dismissal.

(3) Any employee who receives a complaint of bullying from a student and who does not act promptly to forward that complaint to the principal shall be disciplined appropriately.

(4) Any student who brings a false charge of bullying shall receive appropriate discipline.

The terms "false charge" means charges brought in bad faith, that is, without the good faith belief that one has been subjected to bullying. The term "false charge" does not include a charge that was brought in good faith but which the PSS was unable to substantiate.

#### (e) Enforcement

Each building administrator is responsible for maintaining an educational and work environment free from bullying. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In

accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS's bullying policy.

**§ 60-20-438. Jurisdiction.**

(a) The student discipline regulations apply in all situations in which students are involved, including, but not limited to:

- (1) School activities on property owned, rented, leased, or otherwise occupied by the CNMI Board of Education, Public School System (PSS), or Commonwealth government;
- (2) Any travel to and from the school site, whether on school buses, school vehicles, or during official school sanctioned trips;
- (3) Off-site school sponsored activities;
- (4) On or off-site school-related problems which are the result or cause of disruptive behavior on school grounds; or
- (5) Violent acts or behavior that occur off school property, pose a threat to the safety of students and/or faculty, or disrupt the learning environment.

(b) The fact that a student withdraws from PSS or transfers to another school after the alleged commission of a prohibited act shall not be construed to deprive PSS of jurisdiction to suspend or expel the student.

**§ 60-20-470. Student use of tobacco, alcohol, drugs and betel nut.**

(a) Drugs and Alcohol

The possession, use, sale, distribution and/or intent to distribute any illegal or controlled moodaltering chemical, medication or abused chemical or alcohol or other intoxicants on school property, at school-sponsored events, and on school buses is prohibited.

(b) Smoking

Smoking on school campuses and on school buses at all times is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.

(c) Betel-nut (Pugua)

The use, sale or distribution of betel-nut on Public School System campuses and on school buses is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.

## **Communication of Policy**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

**§ 60-20-403. Bullying.**

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

### **Discipline Frameworks**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **§ 60-20-440. Day to day discipline.**

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### **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**

##### **§ 60-20-440. Day to day discipline.**

Principals and designated personnel are specifically authorized by this policy to impose or recommend day to day discipline including, but not limited to, in-house detention, parent conferences, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable disciplinary measures.

##### **§ 60-20-442. Detention.**

(a) The provisions of a detention program for student violations of policies, rules, and regulations shall provide principals with an additional alternative for dealing with disciplinary problems that occur in the schools. Detention is an assigned before school and/or after-school period, during which student activity is closely monitored and severely restricted. Students will be required to adhere to all detention rules.

(b) School administrators and certified personnel detain students after normal school hours for a reasonable time provided the following conditions are observed, but not longer than daily instructional hours:

- (1) Parents will be notified before detention so that transportation is arranged beforehand;
- (2) The names of all students detained must be reported to the principal or designee.

**§ 60-20-444. In-school suspension.**

In-school suspension is a structured disciplinary action in which a student is removed from regular classroom activities, but is not dismissed from the school setting. The principal/designee may assign students to the in-school suspension program for a reasonable and specified period of time. All schools are required to have In-School Suspension (ISS) policies that ensure students are provided instructional services during ISS.

## ***Conditions on Use of Certain Forms of Discipline***

### **Corporal Punishment**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Search and Seizure**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **§ 60-20-404. Searches by school personnel.**

###### **(a) Reasonable Suspicion**

(1) Searches of students shall only be conducted when a school official has reasonable suspicion predicated on one or more of the following:

- (i) Reliable reports or information from credible sources made known to school officials. If the source is anonymous, the informant must show that the information has a relationship with the school or students so as to give it credibility.
- (ii) Suspicious or evasive behavior suggesting violation of a school policy or law, or concealment of contraband, weapons or stolen property.
- (iii) Observation of a student engaging in prohibited conduct or being in a restricted area.

(2) The more of these factors that are found, the greater the inference of reasonable suspicion. The school official may also take into account the student's history in the development of reasonable suspicion.

###### **(b) Reasonable Scope**

(1) The scope of the search conducted must be reasonably related to the objective sought and the evidence searched for. The search shall be no more intrusive than necessary to serve the school's legitimate objectives. In determining if the search is related to the objectives sought, the school official should consider:

- (i) The nature and severity of the violation to determine the permissible amount of intrusion into the student's privacy rights.
- (ii) The area to be searched so that it will be no more extensive than required to serve the school's legitimate objectives.
- (iii) The time and place where the search is conducted so that it will be as close as possible to the time and place of the suspected violation.
- (iv) The duration of the search so that it will be no longer than necessary to serve the school's legitimate objectives.

(2) Whenever reasonably possible the search should be conducted by school official who is the same sex as the student to be searched.

(c) Locker, Automobile and Desk Searches Searches of lockers, desks, storage spaces and other property owned jointly by the PSS and the student may be conducted whenever reasonable suspicion exists to believe that contraband, weapons or prohibited items are concealed therein. Notice of the joint ownership of lockers and

desks shall be given to the student body at the beginning of each school year or more often as required. (See form 2150 for an example of such a notice).

(d) Canine Searches

Canine searches shall never be conducted on a student's person and if undertaken, shall be restricted to desks, lockers and parking lots.

(e) Surveillance

Surveillance shall only be conducted in hallways, school buses and other areas open to public view where the students are permitted.

(f) Consent Searches

Whenever possible the student's voluntary informed consent shall be sought before a search is conducted. However, searches normally should not be based solely on consent.

(g) Police Involvement

Police involvement shall be sought whenever school officials uncover evidence of a violation of Commonwealth or federal law or when school officials deem such involvement necessary or helpful in maintaining school discipline or safety.

(h) Reports

After a search has been conducted, school officials shall prepare a written report, specifically detailing the objectives of the search, the scope of the search, and the circumstances and information giving rise to reasonable suspicion for the search. Copies of the report shall be immediately filed with the Commissioner of Education and PSS legal counsel.

**§ 60-20-462. Student vehicle use.**

Building principals have the authority to regulate student use of automobiles at school. Use of school property for student parking purposes is a privilege that may be denied due to violation of PSS regulations and school policies. Student vehicles parked on PSS property are subject to search by school officials where there is reason to believe a vehicle contains materials prohibited by PSS regulations.

## **Restraint and Seclusion**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

**§ 60-20-490. Policy.**

The Board of Education believes that maintaining an orderly, safe environment conducive to learning is an expectation of all staff members of the CNMI Public School System. An individual who is a teacher, administrator or school employee may, within the scope of that person's employment, use the amount of force as is reasonable and necessary to accomplish the following purposes:

- (a) To retrain a student from an act of wrongdoing;
- (b) To quell a disturbance threatening physical injury to self or others.



**§ 60-20-491. Definitions.**

- (a) "Extended restraint": A physical restraint the duration of which is more than twenty minutes. Extended restraints increase the risk of injury and, therefore, require additional written documentation as described in this regulation.
- (b) "Physical escort": Touching or holding a student without the use of force for the purpose of directing the student.
- (c) "Physical restraint": The use of bodily force to limit a student's freedom of movement.
- (d) "Restraint" - Other: Limiting the physical freedom of an individual student by mechanical means or seclusion in a limited space or location, or temporarily controlling the behavior of a student by chemical means. The use of chemical or mechanical restraint is prohibited unless explicitly authorized by a physician and approved in writing by the parent or guardian.
  - (1) "Mechanical Restraint": The use of a physical device to restrict the movement of a student or the movement or normal function of a portion of his or her body. A protective or stabilizing device ordered by a physician shall not be considered mechanical restraint.
  - (2) "Seclusion Restraint": Physically confining a student alone in a room or limited space without access to school staff. The use of "time out" procedures during which a staff member remains accessible to the student shall not be considered "seclusion restraint."
  - (3) "Chemical restraint": The administration of medication for the purpose of restraint.

**§ 60-20-493. Determining when physical restraint may be used.**

- (a) Use of restraint. Physical restraint may be used only in the following circumstances:
  - (1) Non-physical interventions would not be effective; and
  - (2) The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.
- (b) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.
- (c) Prohibitions. Physical restraint is prohibited in the following circumstances:
  - (1) As a means of punishment; or
  - (2) For the convenience of staff; or
  - (3) As a substitute for less restrictive alternatives; or
  - (4) As a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm; or\*
- (d) Referral to law enforcement or other public agencies. Nothing in these regulations prohibits:
  - (1) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;
  - (2) Law enforcement, judicial authorities, or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a security risk; or
  - (3) The exercise of an individual's responsibilities as a mandated reporter pursuant to BOE, CNMI and Federal regulation. These regulations shall not be used to deter any individual from reporting neglect or abuse to an appropriate public agency.

**§ 60-20-494. Proper administration of physical restraint.**

- (a) Trained personnel. Only school personnel who have received training pursuant to this subpart shall administer physical restraint on students. Whenever possible, the administration of a restraint shall be witnessed by at least one adult who does not participate in the restraint. The training requirements contained herein shall not preclude a teacher or employee of PSS from using reasonable force to protect students, other persons or themselves from assault or imminent, serious, physical harm.
- (b) Use of force. A person administering a physical restraint shall use only the amount of force necessary to protect the student or others from physical injury or harm.
- (c) Safest method. A person administering physical restraint shall use the safest method available and appropriate to the situation subject to the safety requirements. Floor or prone restraints shall be prohibited unless the staff member administering the restraint has received indepth training and, in the judgment of the trained staff member, such method is required to provide safety for the student or others present;
- (d) Duration of restraint. A person administering physical restraint shall discontinue such restraint as soon as possible. If, due to unusual circumstances, a restraint continues for more than twenty minutes, it shall be considered an "extended restraint" for purposes of the reporting requirements.
- (e) Safety requirements. Additional requirements for the use of physical restraint:
  - (1) No restraint shall be administered in such a way that the student is prevented from breathing or speaking. During the administration of a restraint, a staff member shall continuously monitor the physical status of the student, including skin color and respiration. A restraint shall be released immediately upon a determination by the staff member administering the restraint that the student is no longer at risk of causing imminent physical harm to him or herself or others.
  - (2) Restraint shall be administered in such a way so as to prevent or minimize physical harm. If, at any time during a physical restraint, the student demonstrates significant physical distress, the student shall be released from the restraint immediately, and school staff shall take steps to seek medical assistance.
  - (3) Program staff shall review and consider any known medical or psychological limitations and/or behavioral intervention plans regarding the use of physical restraint on an individual student.
  - (4) Following the release of a student from a restraint, the program shall implement followup procedures. These procedures shall include reviewing the incident with the student to address the behavior that precipitated the restraint, reviewing the incident with the staff person(s) who administered the restraint to discuss whether proper restraint procedures were followed, and consideration of whether any follow-up is appropriate for students who witnessed the incident.

**§ 60-20-495. Reporting requirements.**

- (a) Circumstances under which a physical restraint must be reported.
  - (1) PSS staff shall report the use of physical restraint after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of duration longer than five minutes.
- (b) Informing school administration.
  - (1) The PSS staff who administered the restraint shall verbally inform the administration of the restraint as soon as possible and by written report no later than the next school working day.
  - (2) The written report shall be provided to the principal or his/her designee, except that the principal or director shall prepare the report if the principal or director has administered the restraint
  - (3) The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint.
- (c) Informing parents.

(1) The principal or his/her designee shall verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report no later than three school working days following the use of restraint.

(d) Contents of report. The written report shall include:

(1) The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.

(2) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.

(3) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.

(4) For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts, and the justification for administering the extended restraint.

(5) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.

(6) Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student, and/or any other related matter.

# ***Exclusionary Discipline: Suspension, Expulsion, and Alternative Placement***

## **Grounds for Suspension or Expulsion**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **§ 60-20-446. Offense categories.**

The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I – Examples of offenses which may result in suspension:

- (1) Academic dishonesty (cheating on tests, copying term papers, forging signature of teacher or parent);
- (2) Disrespect to teacher/staff;
- (3) Gambling;
- (4) Harassment, including, but not limited to, nuisance phone calls to students or staff members; continued comments or passing unofficial notes to another individual who wishes not to hear or receive the notes;
- (5) Igniting matches (when not part of the instructional program);
- (6) Refusing to cooperate with school transportation regulations;
- (7) Refusing to cooperate with school rules and regulations;
- (8) Refusing to serve detention;
- (9) Tardiness (class/classes);
- (10) Tardiness (school day);
- (11) Truancy (class/classes);
- (12) Truancy (school day);
- (13) Possession and/or use of tobacco or cigarette rolling papers;
- (14) Possession and/or distribution of drug paraphernalia;
- (15) Excessive foul or abusive language;
- (16) Possession and/or distribution of pornography;
- (17) Failure to assume responsibility for, or to control his/her behavior.

(b) Category II – Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

- (1) Assault on a student;
- (2) Chronic disruption of the school program and/or activities;
- (3) Bullying;

- (i) Physical - includes hitting, kicking, tripping, pinching, and pushing, or damaging property;
- (ii) Verbal - includes name calling, insults, teasing, intimidation, homophobic or racist remarks, or verbal abuse;
- (iii) Social - includes:
  - (A) Lying and spreading rumors;
  - (B) Negative facial or physical gestures, menacing or contemptuous looks;
  - (C) Playing nasty jokes to embarrass and humiliate;
  - (D) Mimicking unkindly;
  - (E) Encouraging others to socially exclude another;
  - (F) Damaging someone's social reputation or social acceptance.
- (iv) Cyber - includes:
  - (A) Abusive or hurtful texts, emails or posts, images or videos;
  - (B) Deliberately excluding others online;
  - (C) Nasty gossip or rumors;
  - (D) Identity theft: imitating others online or accessing their content.
- (4) Possession and/or use of electronic devices are prohibited without prior and written approval from the school principal;
- (5) Destruction and vandalism of school property, personal property of students and/or faculty;
- (6) Receipt, sale, possession, or distribution of property stolen from CNMI Public School System valued less than \$300;
- (7) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance;
- (8) Extortion less than \$300;
- (9) False fire alarm/false fire report;
- (10) Harrasment for any reason including, but not limited to, sex, sexual orientation, color, race, religion, national origin, and disability;
- (11) Indecent exposure;
- (12) Participating in, or inciting, a school disruption;
- (13) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater);
- (14) Possession, use, or distribution of controlled substance-related paraphernalia (other than betel nut or cigarette rolling papers (see category I));
- (15) Theft and/or knowingly possessing stolen property;
- (16) Trespassing on school property;
- (17) Possession and/or use of tobacco or cigratte rolling paper, repeated offense;
- (18) Posession and/or use of betel nut (pugua) and/or betel nut paraphernalia, repeated offense;
- (19) Fighting;
- (20) Conspiracy involving two or more persons to commit a category II offense;
- (21) Arson;
- (22) Conspiracy between two or more persons to commit a category III offense;

- (23) Destruction and/or vandalism of school property, personal property of students and/or faculty valued at more than \$300;
  - (24) Receiving, selling, possessing, or distributing property stolen from the CNMI Public School System valued at \$300 or more;
  - (25) Distribution and/or sale of alcohol;
  - (26) Distribution and/or sale of controlled substances (illegal drugs), excluding betel nut;
  - (27) Possession or use of a weapon or look alike weapon of any kind (other than a firearm) including, but not limited to, knives, throwing star, straight razor, nunchaku, spiked glove, spiked wristband, or any mace, tear gas, or pepper-spray derivative. Mace, tear gas, and peper-spray derivatives may be carried with prior, written approval from the Commissioner of Education;
  - (28) Extortion of \$300 or more;
  - (29) Possession of alcohol;
  - (30) Possession of illegal drugs, including betel nut;
  - (31) Prescription violation (misuse of properly prescribed medicine including, but not limited to, such drugs as amphetamines and barbiturates). Possession of prescription drugs without prior authorization for prescribing medication (office policy);
  - (32) Robbery;
  - (33) Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol;
  - (34) Use of intoxicants which cause a loss of self-control or inebriation which include, but are not limited to, glue and solvents, excluding betel nut;
  - (35) Violent behavior which creates a substantial danger to persons or property;
  - (36) Any crime that is designated a felony by CNMI or federal statutes.
- (c) Category III – Offenses which shall result in expulsion and referral to law enforcement:
- (1) Possession, use, purchase, or sale of a firearm;
    - (i) A firearm is defined as:
      - (A) Any weapon which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive; or
      - (B) The frame or receiver of any weapon which will, or is designed to or may be readily converted to expel a projectile by the action of an explosive.
  - (2) Acts of terrorism (such as bomb threats);
  - (3) Fraud and/or identity theft.

**§ 60-20-450. Expulsion.**

- (a) Expulsion is permanent exclusion from public school attendance, school activities and school property. Expulsion shall be used only in severe cases, or where other means of corrective disciplinary action have failed, or where no other reasonable alternatives are available. An expulsion may be recommended if the student persistently engages in conduct that warrants suspension, or if the student by means of a single action evidences behavior that is serious enough to warrant removal to protect the rights or safety of others.
- (b) Only the Commissioner of Education may expel a student. The principal recommending expulsion shall prepare written documentation in justification of such action.
- (c) The Commissioner of Education reserves the right to exclude students for other than disciplinary reasons if the expulsion is deemed in the best interest of the student or the operation of the school (i.e. student with a contagious health problem).

(d) In the event of criminal conduct or other serious action committed by a student, the Commissioner of Education may expel the student immediately and for an unlimited period with a hearing to be held in accordance with § 60-20-452.

(e) Prior to any expulsion ordered by the Commissioner of Education, the student shall be advised by the principal or his designee of the specific conduct resulting in the action, the student shall be given the opportunity to explain his or her version of the facts surrounding the alleged misconduct and the student shall be advised of the applicable hearing procedures.

**§ 60-20-466. Student participation in secret organizations and gangs.**

(a) The Board of Education prohibits membership in secret fraternities or sororities, or in other clubs or gangs not sponsored by established agencies or organizations recognized by the PSS. The Board feels that the presence of gangs and gang activities can cause a substantial disruption of or material interference with school and school activities.

(b) A "gang" as defined in this section is any group of two or more persons whose purposes include the commission of illegal acts. By this policy, the Board acts to prohibit existence of gangs and gang activities as follows.

(c) No student on or about school property or at any school activity:

(1) Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other things, which are evidence of membership or affiliation in any gang.

(2) Shall commit any act or omission or use any speech either verbal or nonverbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.

(3) Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including but not limited to:

(i) Soliciting others for membership in any gangs.

(ii) Requesting any person to pay protection or otherwise intimidating or threatening any person.

(iii) Committing any other illegal act or other violation of school PSS policies.

(iv) Inciting other students to act with physical violence upon any other person.

(d) The principal will establish procedures and regulations to ensure that any student wearing, carrying or displaying gang paraphernalia; exhibiting behavior or gestures which symbolize gang membership; or causing and/or participating in activities which intimidate or affect the attendance of another student, shall be subject to disciplinary action.

(e) Consequences for such actions and/or behaviors may result in suspension or expulsion.

(f) To further discourage the influence of gangs, PSS administrators shall:

(1) Provide in-service for staff in gang recognition and special workshops for counselors in the event that gangs become a problem at the schools.

(2) Ensure that all students have access to counselors.

(3) Work closely with the local law enforcement authorities and county juvenile officers who work with students and parents/ guardians involved in gang activity.

(4) Provide classroom or after-school programs designed to enhance individual self-esteem and foster interest in a variety of wholesome activities.

## Limitations or Conditions on Exclusionary Discipline

### LAWS

No relevant laws found.

### REGULATIONS

#### **§ 60-20-450. Expulsion.**

(a) Expulsion is permanent exclusion from public school attendance, school activities and school property. Expulsion shall be used only in severe cases, or where other means of corrective disciplinary action have failed, or where no other reasonable alternatives are available. An expulsion may be recommended if the student persistently engages in conduct that warrants suspension, or if the student by means of a single action evidences behavior that is serious enough to warrant removal to protect the rights or safety of others.

(b) Only the Commissioner of Education may expel a student. The principal recommending expulsion shall prepare written documentation in justification of such action.

(c) The Commissioner of Education reserves the right to exclude students for other than disciplinary reasons if the expulsion is deemed in the best interest of the student or the operation of the school (i.e. student with a contagious health problem).

(d) In the event of criminal conduct or other serious action committed by a student, the Commissioner of Education may expel the student immediately and for an unlimited period with a hearing to be held in accordance with § 60-20-452.

(e) Prior to any expulsion ordered by the Commissioner of Education, the student shall be advised by the principal or his designee of the specific conduct resulting in the action, the student shall be given the opportunity to explain his or her version of the facts surrounding the alleged misconduct and the student shall be advised of the applicable hearing procedures.

## Due Process

### LAWS

No relevant laws found.

### REGULATIONS

#### **§ 60-20-448. Suspension.**

(e) When a student is suspended, the principal/designee shall attempt to reach the student's parent/guardian to inform them of the school's action and to request that they come to school for the student. If the parent/guardian is unable to come for the student, the principal/designee may ask the parent/guardian for permission to send the student home. If the parent/guardian cannot be reached or if the above request is refused, the student must remain on school property until the close of the school day.

(f) The student's parent or guardian shall also be notified, in writing, on the day the suspension decision is made of the reason(s) for the suspension and the right of the student or parent or guardian to appeal the suspension to the Commissioner of Education within ten calendar days of the notification. Copies of all notifications shall be sent to the Commissioner of Education and the PSS legal counsel.



(g) The appeal procedures for suspensions of less than ten days are described in section (h) of this section (below). The appeal procedures for suspensions of ten days or more are described in § 60-20-452.

(h) If the parent and/or student wishes to appeal a suspension of ten days or less, the Commissioner of Education or a designee who shall be someone other than a principal, administrator or teacher in the suspended student's school, shall meet with the student and/or the parent or guardian to discuss the suspension. If the Commissioner of Education or designee finds that the student was suspended unfairly or unjustly, or that the suspension was inappropriate given the nature of the alleged offense, or that the student suffered undue consequences or penalties, the suspension may be overturned and any reference to the suspension in school records will be expunged. Such findings shall be made in writing within ten school days of the conference.

#### **§ 60-20-450. Expulsion.**

(a) Expulsion is permanent exclusion from public school attendance, school activities and school property. Expulsion shall be used only in severe cases, or where other means of corrective disciplinary action have failed, or where no other reasonable alternatives are available. An expulsion may be recommended if the student persistently engages in conduct that warrants suspension, or if the student by means of a single action evidences behavior that is serious enough to warrant removal to protect the rights or safety of others.

(b) Only the Commissioner of Education may expel a student. The principal recommending expulsion shall prepare written documentation in justification of such action.

(c) The Commissioner of Education reserves the right to exclude students for other than disciplinary reasons if the expulsion is deemed in the best interest of the student or the operation of the school (i.e. student with a contagious health problem).

(d) In the event of criminal conduct or other serious action committed by a student, the Commissioner of Education may expel the student immediately and for an unlimited period with a hearing to be held in accordance with § 60-20-452.

(e) Prior to any expulsion ordered by the Commissioner of Education, the student shall be advised by the principal or his designee of the specific conduct resulting in the action, the student shall be given the opportunity to explain his or her version of the facts surrounding the alleged misconduct and the student shall be advised of the applicable hearing procedures.

#### **§ 60-20-452. Hearing procedures.**

(a) A due process hearing will be held if requested by the student parent/guardian for suspensions of more than ten days and expulsions. The hearing will be closed unless the student, parent/guardian or others having custodial care requests an open hearing.

(b) Upon a determination by the principal or the Commissioner of Education that a suspension of more than ten days or an expulsion is necessary, the student and his/her parents or guardians must be sent on the same day the suspension or expulsion recommendation is made, a copy of PSS's student disciplinary policy and written notice of the following:

- (1) The Public School System's intent to suspend the student for more than ten days or to expel the student;
- (2) The charges that necessitate the suspension or expulsion;
- (3) That a full and fair hearing will be held before an impartial adjudicator if requested, in writing, within ten days of notification; and

(4) Failure to request a hearing, in writing, within ten school days after being notified of the Public School System's intention to suspend or expel the student shall constitute a waiver of the right to a hearing.

(c) In the event that a hearing is requested, the student may not be suspended for more than ten consecutive school days before the hearing is held and written notice of the following will be sent to the parents or guardian of the student:

- (1) The place, date and time of the proposed hearing (allowing sufficient time for a defense to be prepared);
- (2) The student's right to legal counsel at his/her own expense;
- (3) That the student will be given the opportunity to present evidence at the hearing including the testimony of witnesses;
- (4) That the student will be given the opportunity to cross-examine opposing witnesses at the hearing; and
- (5) The availability of a written record of the hearing. This section shall not be construed to prohibit the use of a recording device to record the hearing.

(d) Within ten school days, if practicable, after a hearing is requested in writing, the hearing shall be held. The hearing shall be an informal proceeding where relaxed evidence rules will apply.

(e) The Commissioner of Education or his/her designee shall preside and ensure that all of the aforementioned rights are afforded the student.

(f) If, based on the evidence presented at the hearing, the Commissioner of Education or his/her designee finds that the student has committed an act which warrants disciplinary action, he or she may order any appropriate disciplinary action, including, but not limited to, suspension or expulsion.

(g) When determining whether the disciplinary action and/or the length of suspension/expulsion is appropriate, the Commissioner of Education or his/her designee may consider the severity of the offense, prior disciplinary actions taken against the student by the Public School System and any other prior bad acts of the student.

(h) Within ten school days after the conclusion of the hearing, the Commissioner of Education or his/her designee shall inform the student, parent or guardian of his/her decision. The decision must be in the form of a final, written opinion regarding whether or not any disciplinary action, such as expulsion or suspension, is warranted.

#### **§ 60-20-454. Appeal to the Board of Education.**

(a) The student and/or his or her parent or guardian shall have the right to appeal to the Commissioner of Education's or his/her designee's decision regarding a suspension of more than ten days or an expulsion to the Board of Education.

(b) The Board of Education must be notified, in writing, of the student's and/or parent or guardian's desire to appeal within ten school days from the date the student, parent or guardian was informed of the disciplinary decision.

(c) Once a disciplinary decision is appealed, the Board shall meet to review the decision within thirty calendar days of when the written notice of the appeal is received by the Board.

(d) The disciplinary decision of the Commissioner of Education or his/her designee shall remain in effect until the Board issues its own decision.

(e) The Board's decision on appeal shall be based solely on the record developed at the expulsion or suspension hearing and the Commissioner of Education or designee's written opinion. The Board shall

review the suspension or expulsion solely on the record of the hearing and decision of the Commissioner of Education or his/her designee. The Board shall receive no new evidence.

(f) At the hearing the sole issue for the Board to determine is whether the Commissioner of Education's or his/her designee's decision to suspend or expel the student constitutes an abuse of authority. The Board of Education shall render its decision by a majority vote of those members in attendance.

(g) The Board does not have the authority to modify the Commissioner of Education's or his/her designee's expulsion decision. In such cases, the Board may either uphold the Commissioner of Education's decision, overturn it completely, or overturn it and order that a new hearing be conducted in compliance with their order.

## **Return to School Following Removal**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **§ 60-20-458. Enrollment or return following suspension and/or expulsion.**

(a)(1) No student shall be readmitted, or permitted to enroll or otherwise attend school (except as may otherwise be required by law), following a suspension or expulsion from any school until the PSS has conducted a conference to review the conduct that resulted in the expulsion or suspension, and any remedial actions needed to prevent any future occurrences of such or related conduct

(2) Participants in such pre-admission conferences will include:(i) Any teacher directly involved in the suspension offense.

(ii) The student

(iii) The parent/guardian.

(iv) The representative of any agency having legal jurisdiction, care, custody, or control of the student.

(v) PSS staff members designated by the Commissioner/ designee

(b) The PSS shall notify in writing the parent/guardian and all other parties of the time, place, and agenda of any such conference. However, failure of any party to attend this conference shall not preclude holding the conference.

(c) Notwithstanding any provision of this chapter to the contrary, no student shall be readmitted or enrolled in a regular program of instruction if:

(1) The student has been convicted of one of the offenses listed below.

(2) The student been charged with one of the offenses and there has been no final judgment.

(3) A juvenile petition has been filed alleging that the student committed an act, which if committed by an adult, would be one of the offenses listed below, and there has been no final judgment; or

(4) The student has been adjudicated to have committed an act, which if committed by an adult, would be one of the offenses listed below.

(d) Offenses to which subsection (c) applies

(1) First degree murder under the laws of the CNMI

(2) Second degree murder under the laws of the CNMI

(3) First degree assault under the laws of the CNMI

(4) Forcible rape under the laws of the CNMI

- (5) Forcible sodomy under the laws of the CNMI
- (6) Robbery in the first degree under the laws of the CNMI
- (7) Distribution of drugs to a minor under the laws of the CNMI
- (8) Arson under the laws of the CNMI
- (9) Kidnapping under the laws of the CNMI.

(e)(1) Nothing in this section shall be construed to prevent the PSS from imposing discipline under its regulations for conduct underlying the above-listed offenses, even if the adult charge or juvenile charge has been dismissed, or the student has been acquitted or adjudicated not to have committed such acts in a criminal or juvenile court – if by a preponderance of the evidence, it can be established that the student engaged in the underlying conduct. The PSS may enroll a student otherwise excluded under this section, in an alternative education program if the PSS

determines that such enrollment is appropriate.

- (2) Student denied enrollment because of conviction of one of the acts set out in this section or due to an existing suspension or expulsion from another school will be advised of the reasons for denial of enrollment and will be given an opportunity to respond to those reasons.

## **Alternative Placements**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **§ 60-20-530. Alternative learning settings.**

(a) Pursuant to CNMI law (3 CMC § 1132), the Board "shall establish and provide such academic and vocational programs as are appropriate and beneficial to the students and shall serve the needs of the community." As part of this responsibility, the Board has adopted this section to address instructional programs for students at-risk and to establish alternative learning settings to enable students to achieve their educational goals and requirements, such as grade promotions and high school graduation.

(b) Advanced Development Institute (ADI)

(1) ADI is an alternative high school program. The purpose of ADI is to allow students aged sixteen and older, who have not completed high school, to achieve success by making a positive connection with academic and vocational training, employers and work, mentors and tutors, families and community in an atmosphere that is welcoming, comfortable and sensitive to their individual needs, skills and learning styles. ADI teaches students to develop their critical, creative, communication and occupational skills through course offerings including reading and writing, consumer economics, health, government and law, occupational knowledge, and community resources. Graduates of ADI move into the private and public workforce with the skills necessary to achieve success.

(2) The CNMI Board of Education is authorized by law and Board regulations to award diplomas for secondary education. Graduates of ADI must complete two phases to receive an alternative high school diploma. The first phase consists of the ADI academic courses, including English, math, community resources, consumer economics, government and law, occupational knowledge and health. Five academic courses in the first phase must be passed. The second phase requires the students to gain career experience through a vocational or occupational program at a post-secondary institution or by working or volunteering in the community.

(3) A minimum of ninety minutes of daily instructional time shall be provided to students in the alternative high school program of ADI. The subjects are the academic courses in the first phase listed above. Any departure from the time and/or subject requirements will require express prior approval from the Commissioner of Education that is subject to Board review upon request.

(c) Lina'la' Malawasch Academy (LMA)

The Lina'la' Malawasch Academy (LMA) is an alternative learning setting for students grades seven and eight who have demonstrated behavioral problems that require intervention. Lina'la' malawasch means life, well-being and a new beginning in the Chamorro and Carolinian languages. The goal of LMA is to offer a second chance to students by creating an environment for students to improve their behavior, attendance and academic performance to enable them to reenter the general student population and proceed towards graduation from high school. The academic requirements for LMA students are similar to the PSS requirements and Board regulations regarding other junior high school students.

## ***Discipline Addressing Specific Code of Conduct Violations***

### **Firearms and Other Weapons Violations**

#### **LAWS**

No relevant laws found.

#### **§ 10401. Gun Free Zones.**

(a) No person in the Commonwealth, other than duly authorized law enforcement officers in the exercise of their duties, shall possess a firearm in any of the following places:

(16) within 1,000 feet of any higher education institution or early childhood development facility, elementary or secondary school facility, except for security personnel given express permission to carry a firearm;

(b) Where permitted by subsection (a), the head of the government agency occupying a government building or

government property has the sole authority to grant its security personnel permission to carry firearms in the Gun Free Zone.

(c) Where permitted by subsection (a), the chief executive officer of a business has the sole authority to grant its security personnel permission to carry firearms in the applicable Gun Free Zone.

#### **REGULATIONS**

#### **§ 60-20-446. Offense categories.**

The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I – Examples of offenses which may result in suspension:

(1) Academic dishonesty (cheating on tests, copying term papers, forging signature of teacher or parent);

(2) Disrespect to teacher/staff;

(3) Gambling;

(4) Harassment, including, but not limited to, nuisance phone calls to students or staff members; continued comments or passing unofficial notes to another individual who wishes not to hear or receive the notes;

(5) Igniting matches (when not part of the instructional program);

(6) Refusing to cooperate with school transportation regulations;

(7) Refusing to cooperate with school rules and regulations;

(8) Refusing to serve detention;

(9) Tardiness (class/classes);

(10) Tardiness (school day);

(11) Truancy (class/classes);

(12) Truancy (school day);

- (13) Possession and/or use of tobacco or cigarette rolling papers;
- (14) Possession and/or distribution of drug paraphernalia;
- (15) Excessive foul or abusive language;
- (16) Possession and/or distribution of pornography;
- (17) Failure to assume responsibility for, or to control his/her behavior.

(b) Category II – Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

- (1) Assault on a student;
- (2) Chronic disruption of the school program and/or activities;
- (3) Bullying:
  - (i) Physical - includes hitting, kicking, tripping, pinching, and pushing, or damaging property;
  - (ii) Verbal - includes name calling, insults, teasing, intimidation, homophobic or racist remarks, or verbal abuse;
  - (iii) Social - includes:
    - (A) Lying and spreading rumors;
    - (B) Negative facial or physical gestures, menacing or contemptuous looks;
    - (C) Playing nasty jokes to embarrass and humiliate;
    - (D) Mimicking unkindly;
    - (E) Encouraging others to socially exclude another;
    - (F) Damaging someone's social reputation or social acceptance.
  - (iv) Cyber - includes:
    - (A) Abusive or hurtful texts, emails or posts, images or videos;
    - (B) Deliberately excluding others online;
    - (C) Nasty gossip or rumors;
    - (D) Identity theft: imitating others online or accessing their content.
- (4) Possession and/or use of electronic devices are prohibited without prior and written approval from the school principal;
- (5) Destruction and vandalism of school property, personal property of students and/or faculty;
- (6) Receipt, sale, possession, or distribution of property stolen from CNMI Public School System valued less than \$300;
- (7) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance;
- (8) Extortion less than \$300;
- (9) False fire alarm/false fire report;
- (10) Harrasment for any reason including, but not limited to, sex, sexual orientation, color, race, religion, national origin, and disability;
- (11) Indecent exposure;
- (12) Participating in, or inciting, a school disruption;
- (13) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater);

- (14) Possession, use, or distribution of controlled substance-related paraphernalia (other than betel nut or cigarette rolling papers (see category I));
  - (15) Theft and/or knowingly possessing stolen property;
  - (16) Trespassing on school property;
  - (17) Possession and/or use of tobacco or cigratte rolling paper, repeated offense;
  - (18) Posession and/or use of betel nut (pugua) and/or betel nut paraphernalia, repeated offense;
  - (19) Fighting;
  - (20) Conspiracy involving two or more persons to commit a category II offense;
  - (21) Arson;
  - (22) Conspiracy between two or more persons to commit a category III offense;
  - (23) Destruction and/or vandalism of school property, personal property of students and/or faculty valued at more than \$300;
  - (24) Receiving, selling, possessing, or distributing property stolen from the CNMI Public School System valued at \$300 or more;
  - (25) Distribution and/or sale of alcohol;
  - (26) Distribution and/or sale of controlled substances (illegal drugs), excluding betel nut;
  - (27) Possession or use of a weapon or look alike weapon of any kind (other than a firearm) including, but not limited to, knives, throwing star, straight razor, nunchaku, spiked glove, spiked wristband, or any mace, tear gas, or pepper-spray derivative. Mace, tear gas, and peper-spray derivatives may be carried with prior, written approval from the Commissioner of Education;
  - (28) Extortion of \$300 or more;
  - (29) Possession of alcohol;
  - (30) Possession of illegal drugs, including betel nut;
  - (31) Prescription violation (misuse of properly prescribed medicine including, but not limited to, such drugs as amphetamines and barbiturates). Possession of prescription drugs without prior authorization for prescribing medication (office policy);
  - (32) Robbery;
  - (33) Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol;
  - (34) Use of intoxicants which cause a loss of self-control or inebriation which include, but are not limited to, glue and solvents, excluding betel nut;
  - (35) Violent behavior which creates a substantial danger to persons or property;
  - (36) Any crime that is designated a felony by CNMI or federal statutes.
- (c) Category III – Offenses which shall result in expulsion and referral to law enforcement:
- (1) Possession, use, purchase, or sale of a firearm;
    - (i) A firearm is defined as:
      - (A) Any weapon which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive; or
      - (B) The frame or receiver of any weapon which will, or is designed to or may be readily converted to expel a projectile by the action of an explosive.
  - (2) Acts of terrorism (such as bomb threats);
  - (3) Fraud and/or identity theft.



# Students with Chronic Disciplinary Issues

## LAWS

No relevant laws found.

## REGULATIONS

### § 60-20-446. Offense categories.

The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I – Examples of offenses which may result in suspension:

- (1) Academic dishonesty (cheating on tests, copying term papers, forging signature of teacher or parent);
- (2) Disrespect to teacher/staff;
- (3) Gambling;
- (4) Harassment, including, but not limited to, nuisance phone calls to students or staff members; continued comments or passing unofficial notes to another individual who wishes not to hear or receive the notes;
- (5) Igniting matches (when not part of the instructional program);
- (6) Refusing to cooperate with school transportation regulations;
- (7) Refusing to cooperate with school rules and regulations;
- (8) Refusing to serve detention;
- (9) Tardiness (class/classes);
- (10) Tardiness (school day);
- (11) Truancy (class/classes);
- (12) Truancy (school day);
- (13) Possession and/or use of tobacco or cigarette rolling papers;
- (14) Possession and/or distribution of drug paraphernalia;
- (15) Excessive foul or abusive language;
- (16) Possession and/or distribution of pornography;
- (17) Failure to assume responsibility for, or to control his/her behavior.

(b) Category II – Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

- (1) Assault on a student;
- (2) Chronic disruption of the school program and/or activities;
- (3) Bullying:
  - (i) Physical - includes hitting, kicking, tripping, pinching, and pushing, or damaging property;
  - (ii) Verbal - includes name calling, insults, teasing, intimidation, homophobic or racist remarks, or verbal abuse;
  - (iii) Social - includes:

- (A) Lying and spreading rumors;
  - (B) Negative facial or physical gestures, menacing or contemptuous looks;
  - (C) Playing nasty jokes to embarrass and humiliate;
  - (D) Mimicking unkindly;
  - (E) Encouraging others to socially exclude another;
  - (F) Damaging someone's social reputation or social acceptance.
- (iv) Cyber - includes:
- (A) Abusive or hurtful texts, emails or posts, images or videos;
  - (B) Deliberately excluding others online;
  - (C) Nasty gossip or rumors;
  - (D) Identity theft: imitating others online or accessing their content.
- (4) Possession and/or use of electronic devices are prohibited without prior and written approval from the school principal;
  - (5) Destruction and vandalism of school property, personal property of students and/or faculty;
  - (6) Receipt, sale, possession, or distribution of property stolen from CNMI Public School System valued less than \$300;
  - (7) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance;
  - (8) Extortion less than \$300;
  - (9) False fire alarm/false fire report;
  - (10) Harrasment for any reason including, but not limited to, sex, sexual orientation, color, race, religion, national origin, and disability;
  - (11) Indecent exposure;
  - (12) Participating in, or inciting, a school disruption;
  - (13) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater);
  - (14) Possession, use, or distribution of controlled substance-related paraphernalia (other than betel nut or cigarette rolling papers (see category I));
  - (15) Theft and/or knowingly possessing stolen property;
  - (16) Trespassing on school property;
  - (17) Possession and/or use of tobacco or cigratte rolling paper, repeated offense;
  - (18) Posession and/or use of betel nut (pugua) and/or betel nut paraphernalia, repeated offense;
  - (19) Fighting;
  - (20) Conspiracy involving two or more persons to commit a category II offense;
  - (21) Arson;
  - (22) Conspiracy between two or more persons to commit a category III offense;
  - (23) Destruction and/or vandalism of school property, personal property of students and/or faculty valued at more than \$300;
  - (24) Receiving, selling, possessing, or distributing property stolen from the CNMI Public School System valued at \$300 or more;
  - (25) Distribution and/or sale of alcohol;

- (26) Distribution and/or sale of controlled substances (illegal drugs), excluding betel nut;
  - (27) Possession or use of a weapon or look alike weapon of any kind (other than a firearm) including, but not limited to, knives, throwing star, straight razor, nunchaku, spiked glove, spiked wristband, or any mace, tear gas, or pepper-spray derivative. Mace, tear gas, and peper-spray derivatives may be carried with prior, written approval from the Commissioner of Education;
  - (28) Extortion of \$300 or more;
  - (29) Possession of alcohol;
  - (30) Possession of illegal drugs, including betel nut;
  - (31) Prescription violation (misuse of properly prescribed medicine including, but not limited to, such drugs as amphetamines and barbiturates). Possession of prescription drugs without prior authorization for prescribing medication (office policy);
  - (32) Robbery;
  - (33) Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol;
  - (34) Use of intoxicants which cause a loss of self-control or inebriation which include, but are not limited to, glue and solvents, excluding betel nut;
  - (35) Violent behavior which creates a substantial danger to persons or property;
  - (36) Any crime that is designated a felony by CNMI or federal statutes.
- (c) Category III – Offenses which shall result in expulsion and referral to law enforcement:
- (1) Possession, use, purchase, or sale of a firearm;
    - (i) A firearm is defined as:
      - (A) Any weapon which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive; or
      - (B) The frame or receiver of any weapon which will, or is designed to or may be readily converted to expel a projectile by the action of an explosive.
  - (2) Acts of terrorism (such as bomb threats);
  - (3) Fraud and/or identity theft.

## **Chronic Absenteeism and Truancy**

### **LAWS**

#### **§ 1131. Elementary, middle, and secondary schools.**

Every person between the ages of five (5) and seventeen (17) shall attend a public school or non-public school or until the completion of the twelfth (12th) grade or upon meeting the high school graduation requirements. Any parent, guardian, or other person having the responsibility for the care of a child, whose attendance at school is obligatory, shall enroll their child in school. The Commissioner may grant individual waivers to this compulsory attendance requirement in cases of approved home study or for other circumstances in accordance with the law.

#### **§ 5161. Truancy.**

(a) Any juvenile subject to compulsory education pursuant to 3 CMC § 1141 who has not been granted a waiver from the Commissioner of Education and who is absent without valid excuse for (1) five days in one semester under block scheduling; or (2) ten days in one semester for schools without block scheduling is truant, except as otherwise provided in this section.

(b) Block schedules, semesters and valid excused absences under this section shall be interpreted in accordance with Board of Education and Public School System rules, regulations, policies and procedures.

(c) School ordered suspensions and expulsions shall not be considered when determining truancy pursuant to this section.

(d) Violation of this section may be punishable by a fine, not to exceed \$500.

(e) Truancy is a status offense that is not punishable by detention unless the juvenile is a habitual status offender.

**§ 5163. School attendance - Jurisdiction over students and parents.**

Committee. The School Attendance Review Committee shall include, but need not be limited to, a parent of a school age child and representatives of:

- (1) the Public School System;
- (2) the Coalition of Private Schools, CNMI or any successor organization recognized by the Board of Education;
- (3) the Juvenile Probation Unit of DYS;
- (4) the Child Protective Unit of DYS; and
- (5) the Department of Public Safety (DPS).

The Public School System representative shall be appointed by the Commissioner of Education. All other members shall be appointed by the Board of Education with the input and consent of the representative agencies. Every effort shall be made to ensure members of the School Attendance Review Committee shall be individuals whose primary job responsibilities are working directly with students or juvenile clients.

(b) It is the intent of this section to provide intervention for juveniles and their families to address truancy, irregular attendance or insubordinate or disorderly behavior in school at the community level before referral to the juvenile justice system. The School Attendance Review Committee's duties shall include, but are not limited to, the following:

- (1) proposing, promoting and providing alternatives to the juvenile justice system, where possible;
- (2) addressing matters regarding an individual juvenile's truancy, failure to regularly attend school in accordance with school policies and regulations, or insubordinate or disorderly behavior;
- (3) setting and conducting meetings with juveniles and/or their parents to discuss consequences of the student's truancy and/or behavior and establish terms, conditions and options to reduce and eliminate the truancy of the student and improve his or her attendance. The meeting format shall be that of mediation and not adversarial; and
- (4) referring juveniles and their families to other agencies, such as Community Guidance Center, DYS, DPS and the Attorney General's Office for services or action, as appropriate.

(c) The Board of Education may adopt such policies, procedures, rules and regulations, not inconsistent with this chapter, that may be needed for the operation of the School Attendance Review Committee and to fulfill its obligations pursuant to this section.

(d) The School Attendance Review Committee shall strive to maintain a continuing inventory of community resources, including alternative educational programs, and make recommendations for the creation of new resources and programs where none exist.

(e) In every case in which a juvenile has been referred to it, the School Attendance Review Committee has the authority to issue subpoenas pursuant to the procedures provided in 1 CMC § 9109(d), requiring

the production of pertinent information and documents and/or the attendance of any of the following persons:

- (1) The juvenile;
  - (2) The juvenile's parents, guardians, or other person having control of the juvenile;
  - (3) The school authority referring the juvenile; and
  - (4) Any other person who has pertinent or material information concerning the juvenile. The purpose of any meeting under this section is to establish and agree upon terms, conditions and options to reduce and eliminate the truancy of the student. The meeting format shall be that of mediation and not adversarial.
- (f) The enforcement of a subpoena issued by a School Attendance Review Committee is within the jurisdiction of the juvenile court.
- (g) In the event a juvenile, parent, guardian and/or person in charge of the juvenile fails to respond to the directives of the School Attendance Review Committee, or to services offered on behalf of the juvenile or the Committee determines that available community resources cannot resolve the problems with the juvenile's school attendance or behavior, the Committee shall direct that the juvenile be referred to the Juvenile Probation Unit and request that the Office of the Attorney General file a complaint against the juvenile, parent, guardian, and/or other person having control of the juvenile.
- (h) Whenever a committee member appointed by an agency is unavailable to participate in the School Attendance Review Committee, that member's agency may assign personnel to represent the agency either temporarily or on a continuing basis in accordance with the intent of this section. The duties, obligations, or responsibilities which may be imposed on governmental entities by this section are such that the related costs are incurred as a part of their normal operating procedures.
- (i) Nothing in this section shall be construed to interfere with the juvenile's school's authority to establish truancy procedures and to determine whether or not a matter should be referred to the Review Committee or to the Department of Public Safety or the Office of the Attorney General.
- (j) Nothing in this section alters any policy or regulation of the Board of Education or the authority of any school or the Commissioner of Education to take appropriate corrective measures, including without limitation suspension or expulsion of the juvenile.

## **REGULATIONS**

### **§ 60-20-115. Powers and duties.**

- (a) The Board is the governing and policy-making body of the Department of Education. The Board establishes policy, and the Department of Education implements policy and administers programs, which shall include but are not limited to the following:
- (1) Education in public schools
  - (2) Adult education
  - (3) Vocational training, including on-the-job training
  - (4) Bilingual and bicultural education programs
  - (5) Supervision of all educational programs funded in whole or in part by the Department of Education
  - (6) Special cultural programs and seminars
  - (7) Enforcement of standards of attendance and laws pertaining to compulsory attendance
  - (8) The licensing or certification of teachers and teacher aides
  - (9) The performance of any and all other duties required or permitted by law.

(b) In addition to those powers and duties provided for elsewhere in this chapter, and without limitation of the generality of subsection (a), above, the Board of Education shall have the following specific powers and duties:

- (1) To establish and maintain schools and classes to meet the needs of pupils of the Northern Mariana Islands in grades one through twelve, and such adult classes as it deems necessary
- (2) To adopt textbooks and courses of study consistent with the needs of students upon the recommendations of the professional staff through the Superintendent of Education
- (3) To require proper accounting for receipts and expenditures and to provide for an annual audit as required by law
- (4) To authorize the expenditure of funds of the Department of Education
- (5) To determine the building needs of the school system, provide for the construction of school buildings and approve the plans for the buildings
- (6) To establish the certification standards for all professional positions within the Department
- (7) To develop long-range plans for the orderly growth of the school system
- (8) To appraise and review its policies and actions and the program of education and the performance of the staff
- (9) To ratify administrative procedures promulgated by the Superintendent for the purpose of implementing Board policy.

**§ 60-20-420. Student Attendance.**

(a) Excused absence is absence necessitated because of illness or death in the family, or absence with the written approval of parent/guardian when such approval is not inconsistent with the academic needs of the student as determined by the principal.

(b) Unexcused absences are those which are not excused. They may generally be categorized as being of such a nature that prudence would have avoided or precluded the absence. Suspensions and expulsions are considered unexcused absences.

(c) All students who participate in sanctioned school activities that remove the student from regular classroom attendance shall be considered as present. Sanctioned activities must have an educational purpose and students must make up any lesson or assignment missed as a result of such activity. Educational purposes include the discovery and understanding of life skills, community awareness, cultural diversity, language development, natural resources, social structures, political systems, historical perspectives and character development.

(d) School principals/designees have the authority to make determination of whether or not an absence will be considered excused or unexcused.

(e) Student Absences

(1) Secondary school students (grades 6-12) who incur thirteen or more unexcused absences in a course during one semester shall be considered excessively absent and shall not receive a passing grade for that course for that semester. Students under block scheduling who incur seven or more unexcused absences during a term shall be considered excessively absent and shall not receive a passing grade for that course during that term.

(2) Secondary students who do not receive a passing grade for a semester as a result of excessive absences shall receive a "no credit" (NC or 0.00) on their academic record, irrespective of the grade the student would have received before the excessive absences. The course must be repeated and the no credit may be deleted only upon successful completion of the repeated course.

(3) Elementary school students with 25 or more absences in a school year will not receive credit and will not be promoted, unless an exemption is granted by the Commissioner.

(f) Tardiness

(1) The term tardy is defined as being late to school, class or an activity with or without permission of parent/guardian. A student is considered tardy if he/she arrives after the designated time of the class or activity, regardless of how late the student is.

(2) A student who misses more than half of a class or activity shall be considered absent for the entire class or activity.

(3) For secondary school students, every third unexcused tardy shall be considered one unexcused absence within the term/semester the tardies occurred.

(4) For elementary school students, every third unexcused tardy of 10 minutes or greater shall be considered one unexcused absence within the term/semester the tardies occurred.

(g) Counseling for Absenteeism and Tardiness Problems

The teacher should counsel those students who are developing a pattern of being absent and/or tardy. The teacher will refer to a school administrator specifically designated by the school principal to handle such problems, those students who, in the teacher's judgment, are not making progress toward correcting the problem.

(1) Upon the first referral by a teacher, the administrator should attempt to determine the nature of the problem, inform the student and the student's parent/guardian of the absence and tardy policy and regulation.

(2) The teacher must refer the student to a school administrator and a parent conference must be held to discuss the problem and to explain the Board regulations and any appropriate discipline alternatives under the following circumstances:

(i) Under block scheduling, after the third unexcused absence or sixth tardy in a quarter.

(ii) For secondary schools without block scheduling, after the sixth tardy or sixth unexcused absence in a semester.

(iii) For elementary schools, after the sixth tardy in a semester or the sixth unexcused absence in a semester.

(3) In addition to counseling after teacher referrals, principals shall require doctor's excuses for absences in the following circumstances, unless a waiver for the absence is obtained from the school principal:

(i) Under block scheduling, a doctor's excuse will be required for any absence after the third in a term.

(ii) For secondary schools without block scheduling, a doctor's excuse will be required for any absence after the sixth in a semester.

(iii) For elementary schools, a doctor's excuse will be required for any absence after the sixth in a semester.

(h) Absenteeism and/or tardiness problems for special education students must be referred to the student's IEP team to address the problem and discuss any appropriate learning and/or disciplinary alternatives.

**§ 60-20-426. Truancy and educational neglect procedures.**

(a) Truancy

(1) The principal upon receiving a report from a teacher that a student has accumulated two unexplained absence shall immediately provide counseling to the truant student and promptly issue a truancy report to the student's parent/guardian with a copy provided to the Commissioner of Education.

The report shall include recommendation(s) by the school prescribing corrective measures for parent/guardian and student. Any repeated truancy by the student shall be reported to the Division of Youth Services, Community and Cultural Affairs Offices for counseling and other necessary actions, and parent-teacher conferences may also be held.

(2) The Division of Youth Services shall have access to student records with or without prior parent/guardian approval as stated in § 60-20-428. However, such privilege is limited only to the particular caseworker and/or counselor assigned to the case.

(3) All communication with a student's parent/guardian and student contact and reports from referral agencies must be accurately recorded in writing and filed in the student's cumulative folder.

(b) Educational Neglect

(1) Commonwealth law requires that any parent, guardian or other person responsible for a child between the age of six and sixteen shall send the child to a public or nonpublic\* unless the Commissioner of Education grants a waiver. 3 CMC § 1141.

(2) Educational neglect may be defined as when a person who is responsible for a child six through sixteen who through willful or negligent act or omission fails to provide the child with adequate supervision to ensure attendance at school. Individuals who commit educational neglect are subject to criminal prosecution in accordance with the law.

(3) School employees who suspect that a child is subject to educational neglect shall report this as soon as possible to the principal/designee.

(4) The principal/designee shall review the report and confer with the parent/guardian to resolve the situation. When appropriate, a school counselor, social worker, or nurse may be instructed to offer any appropriate social or health services.

(5) If appropriate school intervention does not correct the student's truancy, and reasonable cause for educational neglect has been determined, the principal/ designee shall call the Division of Youth Services and report the alleged child educational neglect. A report of this call shall be forwarded to the Commissioner and carbon copied to PSS legal counsel.

**§ 60-20-446. Offense categories.**

The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I – Examples of offenses which may result in suspension:

(1) Academic dishonesty (cheating on tests, copying term papers, forging signature of teacher or parent);

(2) Disrespect to teacher/staff;

(3) Gambling;

(4) Harassment, including, but not limited to, nuisance phone calls to students or staff members; continued comments or passing unofficial notes to another individual who wishes not to hear or receive the notes;

(5) Igniting matches (when not part of the instructional program);

(6) Refusing to cooperate with school transportation regulations;

(7) Refusing to cooperate with school rules and regulations;

(8) Refusing to serve detention;



- (9) Tardiness (class/classes);
  - (10) Tardiness (school day);
  - (11) Truancy (class/classes);
  - (12) Truancy (school day);
  - (13) Possession and/or use of tobacco or cigarette rolling papers;
  - (14) Possession and/or distribution of drug paraphernalia;
  - (15) Excessive foul or abusive language;
  - (16) Possession and/or distribution of pornography;
  - (17) Failure to assume responsibility for, or to control his/her behavior.
- (b) Category II – Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:
- (1) Assault on a student;
  - (2) Chronic disruption of the school program and/or activities;
  - (3) Bullying:
    - (i) Physical - includes hitting, kicking, tripping, pinching, and pushing, or damaging property;
    - (ii) Verbal - includes name calling, insults, teasing, intimidation, homophobic or racist remarks, or verbal abuse;
    - (iii) Social - includes:
      - (A) Lying and spreading rumors;
      - (B) Negative facial or physical gestures, menacing or contemptuous looks;
      - (C) Playing nasty jokes to embarrass and humiliate;
      - (D) Mimicking unkindly;
      - (E) Encouraging others to socially exclude another;
      - (F) Damaging someone's social reputation or social acceptance.
    - (iv) Cyber - includes:
      - (A) Abusive or hurtful texts, emails or posts, images or videos;
      - (B) Deliberately excluding others online;
      - (C) Nasty gossip or rumors;
      - (D) Identity theft: imitating others online or accessing their content.
  - (4) Possession and/or use of electronic devices are prohibited without prior and written approval from the school principal;
  - (5) Destruction and vandalism of school property, personal property of students and/or faculty;
  - (6) Receipt, sale, possession, or distribution of property stolen from CNMI Public School System valued less than \$300;
  - (7) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance;
  - (8) Extortion less than \$300;
  - (9) False fire alarm/false fire report;
  - (10) Harrasment for any reason including, but not limited to, sex, sexual orientation, color, race, religion, national origin, and disability;
  - (11) Indecent exposure;

- (12) Participating in, or inciting, a school disruption;
  - (13) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater);
  - (14) Possession, use, or distribution of controlled substance-related paraphernalia (other than betel nut or cigarette rolling papers (see category I));
  - (15) Theft and/or knowingly possessing stolen property;
  - (16) Trespassing on school property;
  - (17) Possession and/or use of tobacco or cigratte rolling paper, repeated offense;
  - (18) Possession and/or use of betel nut (pugua) and/or betel nut paraphernalia, repeated offense;
  - (19) Fighting;
  - (20) Conspiracy involving two or more persons to commit a category II offense;
  - (21) Arson;
  - (22) Conspiracy between two or more persons to commit a category III offense;
  - (23) Destruction and/or vandalism of school property, personal property of students and/or faculty valued at more than \$300;
  - (24) Receiving, selling, possessing, or distributing property stolen from the CNMI Public School System valued at \$300 or more;
  - (25) Distribution and/or sale of alcohol;
  - (26) Distribution and/or sale of controlled substances (illegal drugs), excluding betel nut;
  - (27) Possession or use of a weapon or look alike weapon of any kind (other than a firearm) including, but not limited to, knives, throwing star, straight razor, nunchaku, spiked glove, spiked wristband, or any mace, tear gas, or pepper-spray derivative. Mace, tear gas, and peper-spray derivatives may be carried with prior, written approval from the Commissioner of Education;
  - (28) Extortion of \$300 or more;
  - (29) Possession of alcohol;
  - (30) Possession of illegal drugs, including betel nut;
  - (31) Prescription violation (misuse of properly prescribed medicine including, but not limited to, such drugs as amphetamines and barbiturates). Possession of prescription drugs without prior authorization for prescribing medication (office policy);
  - (32) Robbery;
  - (33) Use of alcohol, under the influence of alcohol, or showing evidence of having consumed alcohol;
  - (34) Use of intoxicants which cause a loss of self-control or inebriation which include, but are not limited to, glue and solvents, excluding betel nut;
  - (35) Violent behavior which creates a substantial danger to persons or property;
  - (36) Any crime that is designated a felony by CNMI or federal statutes.
- (c) Category III – Offenses which shall result in expulsion and referral to law enforcement:
- (1) Possession, use, purchase, or sale of a firearm;
    - (i) A firearm is defined as:
      - (A) Any weapon which will, or is designed to or may readily be converted to expel a projectile by the action of an explosive; or
      - (B) The frame or receiver of any weapon which will, or is designed to or may be readily converted to expel a projectile by the action of an explosive.

- (2) Acts of terrorism (such as bomb threats);
- (3) Fraud and/or identity theft.

## Substance Use

### LAWS

#### **§ 3175. Prohibition of smoking on property of the public school system.**

- (a) It shall be unlawful at all times for any person or an employee of any public school or college to smoke on school or college property. Any person or employee who knowingly violates this section shall be subject to the penalties under 6 CMC § 3182.
- (b) It shall be unlawful for any student enrolled in public schools, colleges, or trade schools in the Northern Marianas to use tobacco products of any type on school property.
- (c) The Public School System and the Northern Marianas College shall establish by regulation a policy dealing with students who violate this law. This policy shall, at a minimum, include mandatory education classes on the hazards of tobacco use.

### REGULATIONS

#### **§ 60-20-446. Offense categories.**

The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I – Examples of offenses which may result in suspension:

- (13) Possession and/or use of tobacco or cigarette rolling papers;
- (14) Possession and/or distribution of drug paraphernalia; [...]

(b) Category II – Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

- (7) Distribution, attempt to distribute, or possession with intent to distribute a non-controlled substance upon the representation that the substance is a controlled substance; [...]
- (14) Possession, use, or distribution of controlled substance-related paraphernalia (other than betel nut or cigarette rolling papers (see category I)); [...]
- (29) Possession of alcohol;
- (30) Possession of illegal drugs, including betel nut.

#### **§ 60-20-470. Student use of tobacco, alcohol, drugs and betel nut.**

(a) Drugs and Alcohol

The possession, use, sale, distribution and/or intent to distribute any illegal or controlled moodaltering chemical, medication or abused chemical or alcohol or other intoxicants on school property, at school-sponsored events, and on school buses is prohibited.

(b) Smoking

Smoking on school campuses and on school buses at all times is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.

(c) Betel-nut (Pugua)

The use, sale or distribution of betel-nut on Public School System campuses and on school buses is prohibited. This prohibition applies to all PSS employees, campus visitors and PSS contractors.

## **Gang-related Activity**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **§ 60-20-464. Student attire and appearance.**

(a) It is the responsibility of the Board to ensure that every student has a safe environment in which to learn. Attire worn by students that, in the opinion of the school administration, causes distraction or inhibits learning is forbidden.

(b) Attire which is prohibited by the Board includes but is not limited to the following:

- (1) Attire and appearance that promotes gang affiliations;
- (2) Attire and appearance which promotes the use of drugs, alcohol or weapons;
- (3) Attire and appearance that presents a hazard to the student's safety or the safety of other students or staff;
- (4) Attire and appearance which advocates prejudice;
- (5) Attire and appearance that causes a material and substantial disruption of the learning process;
- (6) Provocative clothing which draws undue attention to themselves, thus disrupting the educational process.

(c) The definition of attire and appearance should be construed liberally to include items such as bookbags, book-covers, sports-related articles, hats, lunch-boxes, and other similar items that students may bring to school.

#### **§ 60-20-466. Student participation in secret organizations and gangs.**

(a) The Board of Education prohibits membership in secret fraternities or sororities, or in other clubs or gangs not sponsored by established agencies or organizations recognized by the PSS. The Board feels that the presence of gangs and gang activities can cause a substantial disruption of or material interference with school and school activities.

(b) A "gang" as defined in this section is any group of two or more persons whose purposes include the commission of illegal acts. By this policy, the Board acts to prohibit existence of gangs and gang activities as follows.

(c) No student on or about school property or at any school activity:

- (1) Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other things, which are evidence of membership or affiliation in any gang.
- (2) Shall commit any act or omission or use any speech either verbal or nonverbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.
- (3) Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including but not limited to:
  - (i) Soliciting others for membership in any gangs.
  - (ii) Requesting any person to pay protection or otherwise intimidating or threatening any person.

(iii) Committing any other illegal act or other violation of school PSS policies.

(iv) Inciting other students to act with physical violence upon any other person.

(d) The principal will establish procedures and regulations to ensure that any student wearing, carrying or displaying gang paraphernalia; exhibiting behavior or gestures which symbolize gang membership; or causing and/or participating in activities which intimidate or affect the attendance of another student, shall be subject to disciplinary action.

(e) Consequences for such actions and/or behaviors may result in suspension or expulsion.

(f) To further discourage the influence of gangs, PSS administrators shall:

(1) Provide in-service for staff in gang recognition and special workshops for counselors in the event that gangs become a problem at the schools.

(2) Ensure that all students have access to counselors.

(3) Work closely with the local law enforcement authorities and county juvenile officers who work with students and parents/ guardians involved in gang activity.

(4) Provide classroom or after-school programs designed to enhance individual self-esteem and foster interest in a variety of wholesome activities.

## **Bullying, Harassment, or Hazing**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **§ 60-20-401. Discrimination and harassment prohibited.**

(a) All students, employees and parents have the right to be free from discrimination and harassment on the basis of race, creed, religion, color, sex, sexual orientation, national origin, age, cultural or socio-economic status or disabling condition. Employees shall not participate in, or permit others to engage in, any act of discrimination against students, parents or coworkers based on the above factors or in retaliation for the exercise of any of their rights.

(b) Definitions

(1) Discrimination is the singling out of a person or persons for different treatment, regardless whether good or bad, based on the factors listed above. Discrimination includes not only the creation of a hostile environment, but also favoritism based on any of these factors. Simply put, students and employees are required to treat all persons equally.

(2) Harassment may be defined as abusive behavior or other verbal or physical conduct towards a person based on that person's sex, sexual orientation, race, creed, color, religion, national origin, age, cultural or socio-economic status or disabling condition which has the purpose or effect of creating an intimidating, hostile or offensive environment that interferes with a student's participation in or receipt of benefits, services or opportunities in a school's programs and activities. Examples of harassment include, but are not limited to, jokes, comments, slurs, epithets and disparaging remarks.

(c) Complaints

(1) Any student who believes that he or she is a victim of discrimination or harassment should report the matter immediately to the building principal. If the student feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the vice principal. If

the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS Human Resources Director.

(2) Students, parents and employees should review § 60-20-402 for more information regarding sexual harassment and follow the procedures set forth in § 60-20-402 to address discrimination or harassment of any kind on the basis of race, creed, religion, color, sex, sexual orientation, national origin, age, cultural or socioeconomic status or disabling condition.

(3) There will be no retaliation against, or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to discrimination or harassment.

(4) The responsible administrator shall follow up regularly with the complaining student to ensure that the discrimination and/or harassment has stopped and that no retaliation has occurred.

(d) Discipline/Consequences

(1) Any student who engages in discrimination and/or harassment while on school property or while participating in school activities will be subject to disciplinary action, up to and including expulsion.

(2) Any employee who permits or engages in the discrimination and/or harassment of students will be subject to disciplinary action, up to and including dismissal.

(3) Any employee who receives a complaint of discrimination and/or harassment from a student and who does not act promptly to forward that complaint to the principal shall be disciplined appropriately.

(4) Any student who brings a false charge of discrimination and/or harassment shall receive appropriate discipline. The term "false charge" means charges brought in bad faith, that is, without the good faith belief that one has been subjected to sexual harassment. The term "false charge" does not include a charge that was brought in good faith but which the PSS was unable to substantiate.

**§ 60-20-403. Bullying.**

(a) It is the policy of the CNMI State Board of Education to prohibit bullying, harassment, or intimidation of any person on school property or at school-sponsored functions or by the use of electronic technology at a public school. It is the policy of the CNMI State Board of Education to prohibit reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.

(b) Definitions

(1) As used in this regulation, "bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:

(i) Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability;

(ii) Threatening or seriously intimidating;

(iii) Occurs in a school setting and/or with school property; and

(iv) Substantially disrupts the orderly operation of a school.

(2) Examples of bullying may include but are not limited to:

(i) Physical: hitting, kicking, pushing, shoving, getting another person to hurt someone;

(ii) Verbal: racial slurs, name-calling, teasing, taunting, verbal sexual harassment, gossiping, spreading rumors; or

(iii) Non-verbal: threatening, obscene gestures, isolation, exclusion, stalking, cyber-bullying (bullying that occurs by means of electronic communication).

(3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or page.

(4) "School setting" means in the school, on school grounds, in school vehicles, at a designated school bus stop or at any activity sponsored, supervised or sanctioned by the school.

(5) "School property" means the school computer or telephone and encompasses the use of electronic technology at a public school.

(c) Complaints

(1) Any student who believes that he or she is a victim of bullying should report the matter immediately to the building principal. If the student feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the vice principal. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS Human Resources Director.

(2) There will be no retaliation against, or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to bullying.

(3) The responsible administrator shall follow up regularly with the complaining student to ensure that the bullying has stopped and that no retaliation has occurred.

(d) Discipline/Consequences

(1) Any student who engages in bullying while on school property or while participating in school activities will be subject to disciplinary action, up to and including expulsion.

(2) Any employee who permits or engages in the bullying of students will be subject to disciplinary action, up to and including dismissal.

(3) Any employee who receives a complaint of bullying from a student and who does not act promptly to forward that complaint to the principal shall be disciplined appropriately.

(4) Any student who brings a false charge of bullying shall receive appropriate discipline.

The terms "false charge" means charges brought in bad faith, that is, without the good faith belief that one has been subjected to bullying. The term "false charge" does not include a charge that was brought in good faith but which the PSS was unable to substantiate.

(e) Enforcement

Each building administrator is responsible for maintaining an educational and work environment free from bullying. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS's bullying policy.

**§ 60-20-446. Offense categories.**

The offense categories set out in this section are intended to be illustrative but not an exclusive listing of acts of misconduct and the consequences for each. Misconduct that is not specifically listed in this section may be deemed to warrant discipline up to and including expulsion following provision of all due process procedures. In addition, the disciplinary consequence listed for each offense may be increased or decreased by the administration or the Board due to mitigating or aggravating circumstances.

(a) Category I – Examples of offenses which may result in suspension:

(4) Harassment, including, but not limited to, nuisance phone calls to students or staff members; continued comments or passing unofficial notes to another individual who wishes not to hear or receive the notes;

(b) Category II – Examples of offenses for which the student will normally be suspended and which may result in expulsion and referral to law enforcement:

(3) Bullying.

## **Dating and Relationship Violence**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.



## ***Prevention, Behavioral Intervention, and Supports***

### **State Model Policies and Implementation Support**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Multi-tiered Frameworks and Systems of Support**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Prevention**

#### **LAWS**

No relevant regulations found.

#### **REGULATIONS**

No relevant regulations found.

### **Social-emotional Learning (SEL)**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Trauma-informed Practices**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

## **Mental Health Literacy Training**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **School-based Behavioral Health Programs**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## ***Monitoring and Accountability***

### **Formal Incident Reporting of Conduct Violations**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **§ 60-20-401. Discrimination and harassment prohibited.**

(a) All students, employees and parents have the right to be free from discrimination and harassment on the basis of race, creed, religion, color, sex, sexual orientation, national origin, age, cultural or socio-economic status or disabling condition. Employees shall not participate in, or permit others to engage in, any act of discrimination against students, parents or coworkers based on the above factors or in retaliation for the exercise of any of their rights.

##### **(b) Definitions**

(1) Discrimination is the singling out of a person or persons for different treatment, regardless whether good or bad, based on the factors listed above. Discrimination includes not only the creation of a hostile environment, but also favoritism based on any of these factors. Simply put, students and employees are required to treat all persons equally.

(2) Harassment may be defined as abusive behavior or other verbal or physical conduct towards a person based on that person's sex, sexual orientation, race, creed, color, religion, national origin, age, cultural or socio-economic status or disabling condition which has the purpose or effect of creating an intimidating, hostile or offensive environment that interferes with a student's participation in or receipt of benefits, services or opportunities in a school's programs and activities. Examples of harassment include, but are not limited to, jokes, comments, slurs, epithets and disparaging remarks.

##### **(c) Complaints**

(1) Any student who believes that he or she is a victim of discrimination or harassment should report the matter immediately to the building principal. If the student feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the vice principal. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS Human Resources Director.

(2) Students, parents and employees should review § 60-20-402 for more information regarding sexual harassment and follow the procedures set forth in § 60-20-402 to address discrimination or harassment of any kind on the basis of race, creed, religion, color, sex, sexual orientation, national origin, age, cultural or socioeconomic status or disabling condition.

(3) There will be no retaliation against, or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to discrimination or harassment.

(4) The responsible administrator shall follow up regularly with the complaining student to ensure that the discrimination and/or harassment has stopped and that no retaliation has occurred.

##### **(d) Discipline/Consequences**

(1) Any student who engages in discrimination and/or harassment while on school property or while participating in school activities will be subject to disciplinary action, up to and including expulsion.

- (2) Any employee who permits or engages in the discrimination and/or harassment of students will be subject to disciplinary action, up to and including dismissal.
- (3) Any employee who receives a complaint of discrimination and/or harassment from a student and who does not act promptly to forward that complaint to the principal shall be disciplined appropriately.
- (4) Any student who brings a false charge of discrimination and/or harassment shall receive appropriate discipline. The term "false charge" means charges brought in bad faith, that is, without the good faith belief that one has been subjected to sexual harassment. The term "false charge" does not include a charge that was brought in good faith but which the PSS was unable to substantiate.

#### **§ 60-20-403. Bullying.**

(a) It is the policy of the CNMI State Board of Education to prohibit bullying, harassment, or intimidation of any person on school property or at school-sponsored functions or by the use of electronic technology at a public school. It is the policy of the CNMI State Board of Education to prohibit reprisal or retaliation against individuals who report acts of bullying, harassment, or intimidation or who are victims, witnesses, bystanders, or others with reliable information about an act of bullying, harassment, or intimidation.

#### (b) Definitions

- (1) As used in this regulation, "bullying, harassment, or intimidation" means intentional conduct, including verbal, physical, or written conduct or an intentional electronic communication that creates a hostile educational environment by substantially interfering with a student's educational benefits, opportunities, or performance, or with a student's physical or psychological well-being and is:
  - (i) Motivated by an actual or a perceived personal characteristic including race, national origin, marital status, sex, sexual orientation, gender identity, religion, ancestry, physical attributes, socioeconomic status, familial status, or physical or mental ability or disability;
  - (ii) Threatening or seriously intimidating;
  - (iii) Occurs in a school setting and/or with school property; and
  - (iv) Substantially disrupts the orderly operation of a school.
- (2) Examples of bullying may include but are not limited to:
  - (i) Physical: hitting, kicking, pushing, shoving, getting another person to hurt someone;
  - (ii) Verbal: racial slurs, name-calling, teasing, taunting, verbal sexual harassment, gossiping, spreading rumors; or
  - (iii) Non-verbal: threatening, obscene gestures, isolation, exclusion, stalking, cyber-bullying (bullying that occurs by means of electronic communication).
- (3) "Electronic communication" means a communication transmitted by means of an electronic device, including a telephone, cellular phone, computer, or page.
- (4) "School setting" means in the school, on school grounds, in school vehicles, at a designated school bus stop or at any activity sponsored, supervised or sanctioned by the school.
- (5) "School property" means the school computer or telephone and encompasses the use of electronic technology at a public school.

#### (c) Complaints

- (1) Any student who believes that he or she is a victim of bullying should report the matter immediately to the building principal. If the student feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the vice principal. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS Human Resources Director.

(2) There will be no retaliation against, or adverse treatment of any student who uses this procedure to resolve a concern when such complaint has been brought in the good faith belief that the complainant has been subjected to bullying.

(3) The responsible administrator shall follow up regularly with the complaining student to ensure that the bullying has stopped and that no retaliation has occurred.

(d) Discipline/Consequences

(1) Any student who engages in bullying while on school property or while participating in school activities will be subject to disciplinary action, up to and including expulsion.

(2) Any employee who permits or engages in the bullying of students will be subject to disciplinary action, up to and including dismissal.

(3) Any employee who receives a complaint of bullying from a student and who does not act promptly to forward that complaint to the principal shall be disciplined appropriately.

(4) Any student who brings a false charge of bullying shall receive appropriate discipline.

The terms "false charge" means charges brought in bad faith, that is, without the good faith belief that one has been subjected to bullying. The term "false charge" does not include a charge that was brought in good faith but which the PSS was unable to substantiate.

(e) Enforcement

Each building administrator is responsible for maintaining an educational and work environment free from bullying. Principals shall take appropriate action to ensure that the students are aware of and knowledgeable about these policies and that discipline action is taken whenever warranted. In accordance with their responsibilities, each building administrator, or his/her designee, shall take appropriate actions to enforce the PSS's bullying policy.

**§ 60-20-426. Truancy and educational neglect procedures.**

(a) Truancy

(1) The principal upon receiving a report from a teacher that a student has accumulated two unexplained absence shall immediately provide counseling to the truant student and promptly issue a truancy report to the student's parent/guardian with a copy provided to the Commissioner of Education. The report shall include recommendation(s) by the school prescribing corrective measures for parent/guardian and student. Any repeated truancy by the student shall be reported to the Division of Youth Services, Community and Cultural Affairs Offices for counseling and other necessary actions, and parent-teacher conferences may also be held.

(2) The Division of Youth Services shall have access to student records with or without prior parent/guardian approval as stated in § 60-20-428. However, such privilege is limited only to the particular caseworker and/or counselor assigned to the case.

(3) All communication with a student's parent/guardian and student contact and reports from referral agencies must be accurately recorded in writing and filed in the student's cumulative folder.

(b) Educational Neglect

(1) Commonwealth law requires that any parent, guardian or other person responsible for a child between the age of six and sixteen shall send the child to a public or nonpublic\* unless the Commissioner of Education grants a waiver. 3 CMC § 1141.

(2) Educational neglect may be defined as when a person who is responsible for a child six through sixteen who through willful or negligent act or omission fails to provide the child with adequate supervision to ensure attendance at school. Individuals who commit educational neglect are subject to criminal prosecution in accordance with the law.

- (3) School employees who suspect that a child is subject to educational neglect shall report this as soon as possible to the principal/designee.
- (4) The principal/designee shall review the report and confer with the parent/guardian to resolve the situation. When appropriate, a school counselor, social worker, or nurse may be instructed to offer any appropriate social or health services.
- (5) If appropriate school intervention does not correct the student's truancy, and reasonable cause for educational neglect has been determined, the principal/ designee shall call the Division of Youth Services and report the alleged child educational neglect. A report of this call shall be forwarded to the Commissioner and carbon copied to PSS legal counsel.

**§ 60-20-495. Reporting requirements.**

- (a) Circumstances under which a physical restraint must be reported.
  - (1) PSS staff shall report the use of physical restraint after administration of a physical restraint that results in any injury to a student or staff member, or any physical restraint of duration longer than five minutes.
- (b) Informing school administration.
  - (1) The PSS staff who administered the restraint shall verbally inform the administration of the restraint as soon as possible and by written report no later than the next school working day.
  - (2) The written report shall be provided to the principal or his/her designee, except that the principal or director shall prepare the report if the principal or director has administered the restraint
  - (3) The principal or director or his/her designee shall maintain an on-going record of all reported instances of physical restraint.
- (c) Informing parents.
  - (1) The principal or his/her designee shall verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report no later than three school working days following the use of restraint.
- (d) Contents of report. The written report shall include:
  - (1) The names and job titles of the staff who administered the restraint, and observers, if any; the date of the restraint; the time the restraint began and ended; and the name of the administrator who was verbally informed following the restraint.
  - (2) A description of the activity in which the restrained student and other students and staff in the same room or vicinity were engaged immediately preceding the use of physical restraint; the behavior that prompted the restraint; the efforts made to de-escalate the situation; alternatives to restraint that were attempted; and the justification for initiating physical restraint.
  - (3) A description of the administration of the restraint including the holds used and reasons such holds were necessary; the student's behavior and reactions during the restraint; how the restraint ended; and documentation of injury to the student and/or staff, if any, during the restraint and any medical care provided.
  - (4) For extended restraints, the written report shall describe the alternatives to extended restraint that were attempted, the outcome of those efforts, and the justification for administering the extended restraint.
  - (5) Information regarding any further action(s) that the school has taken or may take, including any disciplinary sanctions that may be imposed on the student.

(6) Information regarding opportunities for the student's parents or guardians to discuss with school officials the administration of the restraint, any disciplinary sanctions that may be imposed on the student, and/or any other related matter.

**§ 60-20-810. Accident/incident reporting.**

- (a) All schools shall follow emergency procedure guidelines to ensure the health and safety of all students.
- (b) All PSS staff involved in or witnessing an accident/ incident on campus that involves personal injury or property damage must immediately make an oral report to his or her supervisor and/or the principal. Supervisors and principals shall inform the Commissioner's officer no later than the end of the school day on which the accident/incident was reported.
- (c) Written reports from staff to principal shall be completed within 24 hours when an incident or accident occurs when a student is injured on school property or during a school sanctioned activity.
  - (1) Written Accident Report Procedures
    - (i) The person in charge at the time of the accident shall complete the accident/incident report form.
    - (ii) The accident/incident report form shall be returned and forwarded to the principal within 24 hour.
    - (iii) The principal reviews the report and makes a necessary recommendation.
    - (iv) The principal shall forward a copy to the Commissioner/designee within 24 hours and a copy to the legal counsel if a serious injury/accident and/or hospitalization occurs or results in the absence of the student for a day or more. A copy remains in the school.
  - (2) Accident/incident reports will include:
    - (i) Date, time and place of accident.
    - (ii) Name and address of injured person(s).
    - (iii) Name of staff member(s) in attendance.
    - (iv) Type of accident.
    - (v) Personal injures incurred.
    - (vi) Treatment given.
    - (vii) Description of the accident.
    - (viii) Property damage incurred.
    - (ix) Name and address of any parties with first-hand information regarding the accident.
    - (x) Name of staff member making the report.
    - (xi) Date and time of parent/guardian notification.
    - (xii) If available, the hospital number and insurance number of party involved in the accident
- (d) All written reports shall be sent to the Commissioner within 24 hours. The Commissioner shall report to the Board all serious accidents and shall also submit to the Board periodic statistical reports on the number and types of accidents occurring in the schools.

## **Parental Notification**

### **LAWS**

No relevant laws found.

## REGULATIONS

### **§ 60-20-408. Employees of Department of Public Safety on campus.**

Whenever a student is on campus during school operating hours and is wanted by the Department of Public Safety (DPS) for an alleged offense(s) not reported by the school, the following guidelines shall apply:

- (a) In all cases, upon arriving on campus, DPS personnel must report first to the principal's office to inform the principal of the student(s) sought by DPS and to explain the purpose of their visit to the school. The only exception to first reporting to the principal's office is when there is a crime in progress. DPS then has the right to make an immediate arrest and report afterwards to the principal's office. The principal shall immediately notify the parent/guardian of a student who has been arrested by DPS on campus.
- (b) In cases involving a felony when DPS personnel wish to question a student during school hours, the parents must be informed before such questioning may begin. The principal may be present during the questioning. A student may be released to DPS if DPS demonstrates to the school that such release is necessary in the interests of law enforcement and public safety, such as a copy of a warrant or indictment. The principal shall immediately notify the parent/guardian of a student who has been released to DPS.
- (c) In cases involving a misdemeanor, DPS will make every effort to locate and question a student involved in or knowledgeable of a misdemeanor outside of school operating hours and will only resort to questioning a student during school hours when all other methods fail. In the event that questioning a student during school hours is necessary, the parent must be informed before such questioning may begin and DPS may only question a student when a principal is present. A principal does not need to release a student to DPS in cases involving a misdemeanor.

### **§ 60-20-448. Suspension.**

- (e) When a student is suspended, the principal/designee shall attempt to reach the student's parent/guardian to inform them of the school's action and to request that they come to school for the student. If the parent/guardian is unable to come for the student, the principal/designee may ask the parent/guardian for permission to send the student home. If the parent/guardian cannot be reached or if the above request is refused, the student must remain on school property until the close of the school day.
- (f) The student's parent or guardian shall also be notified, in writing, on the day the suspension decision is made of the reason(s) for the suspension and the right of the student or parent or guardian to appeal the suspension to the Commissioner of Education within ten calendar days of the notification. Copies of all notifications shall be sent to the Commissioner of Education and the PSS legal counsel.
- (g) The appeal procedures for suspensions of less than ten days are described in section (h) of this section (below). The appeal procedures for suspensions of ten days or more are described in § 60-20-452.
- (h) If the parent and/or student wishes to appeal a suspension of ten days or less, the Commissioner of Education or a designee who shall be someone other than a principal, administrator or teacher in the suspended student's school, shall meet with the student and/or the parent or guardian to discuss the suspension. If the Commissioner of Education or designee finds that the student was suspended unfairly or unjustly, or that the suspension was inappropriate given the nature of the alleged offense, or that the student suffered undue consequences or penalties, the suspension may be overturned and any reference



to the suspension in school records will be expunged. Such findings shall be made in writing within ten school days of the conference.

**§ 60-20-458. Enrollment or return following suspension and/or expulsion.**

(a)(1) No student shall be readmitted, or permitted to enroll or otherwise attend school (except as may otherwise be required by law), following a suspension or expulsion from any school until the PSS has conducted a conference to review the conduct that resulted in the expulsion or suspension, and any remedial actions needed to prevent any future occurrences of such or related conduct

(2) Participants in such pre-admission conferences will include:(i) Any teacher directly involved in the suspension offense.

(ii) The student

(iii) The parent/guardian.

(iv) The representative of any agency having legal jurisdiction, care, custody, or control of the student.

(v) PSS staff members designated by the Commissioner/ designee

(b) The PSS shall notify in writing the parent/guardian and all other parties of the time, place, and agenda of any such conference. However, failure of any party to attend this conference shall not preclude holding the conference.

(c) Notwithstanding any provision of this chapter to the contrary, no student shall be readmitted or enrolled in a regular program of instruction if:

(1) The student has been convicted of one of the offenses listed below.

(2) The student been charged with one of the offenses and there has been no final judgment.

(3) A juvenile petition has been filed alleging that the student committed an act, which if committed by an adult, would be one of the offenses listed below, and there has been no final judgment; or

(4) The student has been adjudicated to have committed an act, which if committed by an adult, would be one of the offenses listed below.

(d) Offenses to which subsection (c) applies

(1) First degree murder under the laws of the CNMI

(2) Second degree murder under the laws of the CNMI

(3) First degree assault under the laws of the CNMI

(4) Forcible rape under the laws of the CNMI

(5) Forcible sodomy under the laws of the CNMI

(6) Robbery in the first degree under the laws of the CNMI

(7) Distribution of drugs to a minor under the laws of the CNMI

(8) Arson under the laws of the CNMI

(9) Kidnapping under the laws of the CNMI.

(e)(1) Nothing in this section shall be construed to prevent the PSS from imposing discipline under its regulations for conduct underlying the above-listed offenses, even if the adult charge or juvenile charge has been dismissed, or the student has been acquitted or adjudicated not to have committed such acts in a criminal or juvenile court – if by a preponderance of the evidence, it can be established that the student engaged in the underlying conduct. The PSS may enroll a student otherwise excluded under this section, in an alternative education program if the PSS determines that such enrollment is appropriate.

(2) Student denied enrollment because of conviction of one of the acts set out in this section or due to an existing suspension or expulsion from another school will be advised of the reasons for denial of enrollment and will be given an opportunity to respond to those reasons.

**§ 60-20-495. Reporting requirements.**

(c) Informing parents.

1) The principal or his/her designee shall verbally inform the student's parents or guardians of the restraint as soon as possible, and by written report no later than three school working days following the use of restraint.

## **Data Collection, Review, and Reporting of Discipline Policies and Actions**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## ***Partnerships between Schools and Law Enforcement***

### **Referrals to Law Enforcement**

#### **LAWS**

##### **§ 5163. School attendance - Jurisdiction over students and parents.**

Committee. The School Attendance Review Committee shall include, but need not be limited to, a parent of a school age child and representatives of:

- (1) the Public School System;
- (2) the Coalition of Private Schools, CNMI or any successor organization recognized by the Board of Education;
- (3) the Juvenile Probation Unit of DYS;
- (4) the Child Protective Unit of DYS; and
- (5) the Department of Public Safety (DPS).

The Public School System representative shall be appointed by the Commissioner of Education. All other members shall be appointed by the Board of Education with the input and consent of the representative agencies. Every effort shall be made to ensure members of the School Attendance Review Committee shall be individuals whose primary job responsibilities are working directly with students or juvenile clients.

(b) It is the intent of this section to provide intervention for juveniles and their families to address truancy, irregular attendance or insubordinate or disorderly behavior in school at the community level before referral to the juvenile justice system. The School Attendance Review Committee's duties shall include, but are not limited to, the following:

- (1) proposing, promoting and providing alternatives to the juvenile justice system, where possible;
- (2) addressing matters regarding an individual juvenile's truancy, failure to regularly attend school in accordance with school policies and regulations, or insubordinate or disorderly behavior;
- (3) setting and conducting meetings with juveniles and/or their parents to discuss consequences of the student's truancy and/or behavior and establish terms, conditions and options to reduce and eliminate the truancy of the student and improve his or her attendance. The meeting format shall be that of mediation and not adversarial; and
- (4) referring juveniles and their families to other agencies, such as Community Guidance Center, DYS, DPS and the Attorney General's Office for services or action, as appropriate.

(c) The Board of Education may adopt such policies, procedures, rules and regulations, not inconsistent with this chapter, that may be needed for the operation of the School Attendance Review Committee and to fulfill its obligations pursuant to this section.

(d) The School Attendance Review Committee shall strive to maintain a continuing inventory of community resources, including alternative educational programs, and make recommendations for the creation of new resources and programs where none exist.

(e) In every case in which a juvenile has been referred to it, the School Attendance Review Committee has the authority to issue subpoenas pursuant to the procedures provided in 1 CMC § 9109(d), requiring the production of pertinent information and documents and/or the attendance of any of the following persons:

- (1) The juvenile;

- (2) The juvenile's parents, guardians, or other person having control of the juvenile;
  - (3) The school authority referring the juvenile; and
  - (4) Any other person who has pertinent or material information concerning the juvenile. The purpose of any meeting under this section is to establish and agree upon terms, conditions and options to reduce and eliminate the truancy of the student. The meeting format shall be that of mediation and not adversarial.
- (f) The enforcement of a subpoena issued by a School Attendance Review Committee is within the jurisdiction of the juvenile court.
- (g) In the event a juvenile, parent, guardian and/or person in charge of the juvenile fails to respond to the directives of the School Attendance Review Committee, or to services offered on behalf of the juvenile or the Committee determines that available community resources cannot resolve the problems with the juvenile's school attendance or behavior, the Committee shall direct that the juvenile be referred to the Juvenile Probation Unit and request that the Office of the Attorney General file a complaint against the juvenile, parent, guardian, and/or other person having control of the juvenile.
- (h) Whenever a committee member appointed by an agency is unavailable to participate in the School Attendance Review Committee, that member's agency may assign personnel to represent the agency either temporarily or on a continuing basis in accordance with the intent of this section. The duties, obligations, or responsibilities which may be imposed on governmental entities by this section are such that the related costs are incurred as a part of their normal operating procedures.
- (i) Nothing in this section shall be construed to interfere with the juvenile's school's authority to establish truancy procedures and to determine whether or not a matter should be referred to the Review Committee or to the Department of Public Safety or the Office of the Attorney General.
- (j) Nothing in this section alters any policy or regulation of the Board of Education or the authority of any school or the Commissioner of Education to take appropriate corrective measures, including without limitation suspension or expulsion of the juvenile.

## **REGULATIONS**

### **§ 60-20-404. Searches by school personnel.**

#### **(a) Reasonable Suspicion**

- (1) Searches of students shall only be conducted when a school official has reasonable suspicion predicated on one or more of the following:
- (i) Reliable reports or information from credible sources made known to school officials. If the source is anonymous, the informant must show that the information has a relationship with the school or students so as to give it credibility.
  - (ii) Suspicious or evasive behavior suggesting violation of a school policy or law, or concealment of contraband, weapons or stolen property.
  - (iii) Observation of a student engaging in prohibited conduct or being in a restricted area.

(2) The more of these factors that are found, the greater the inference of reasonable suspicion. The school official may also take into account the student's history in the development of reasonable suspicion.

#### **(b) Reasonable Scope**

- (1) The scope of the search conducted must be reasonably related to the objective sought and the evidence searched for. The search shall be no more intrusive than necessary to serve the school's legitimate objectives. In determining if the search is related to the objectives sought, the school official should consider:

(i) The nature and severity of the violation to determine the permissible amount of intrusion into the student's privacy rights.

(ii) The area to be searched so that it will be no more extensive than required to serve the school's legitimate objectives.

(iii) The time and place where the search is conducted so that it will be as close as possible to the time and place of the suspected violation.

(iv) The duration of the search so that it will be no longer than necessary to serve the school's legitimate objectives.

(2) Whenever reasonably possible the search should be conducted by school official who is the same sex as the student to be searched.

(c) Locker, Automobile and Desk Searches Searches of lockers, desks, storage spaces and other property owned jointly by the PSS and the student may be conducted whenever reasonable suspicion exists to believe that contraband, weapons or prohibited items are concealed therein. Notice of the joint ownership of lockers and

desks shall be given to the student body at the beginning of each school year or more often as required. (See form 2150 for an example of such a notice).

(d) Canine Searches

Canine searches shall never be conducted on a student's person and if undertaken, shall be restricted to desks, lockers and parking lots.

(e) Surveillance

Surveillance shall only be conducted in hallways, school buses and other areas open to public view where the students are permitted.

(f) Consent Searches

Whenever possible the student's voluntary informed consent shall be sought before a search is conducted. However, searches normally should not be based solely on consent.

(g) Police Involvement

Police involvement shall be sought whenever school officials uncover evidence of a violation of Commonwealth or federal law or when school officials deem such involvement necessary or helpful in maintaining school discipline or safety.

(h) Reports

After a search has been conducted, school officials shall prepare a written report, specifically detailing the objectives of the search, the scope of the search, and the circumstances and information giving rise to reasonable suspicion for the search. Copies of the report shall be immediately filed with the Commissioner of Education and PSS legal counsel.

#### **§ 60-20-406. Releasing and referring students to the Department of Public Safety.**

The following guidelines are to be used by school administrators when considering referring students to the Department of Public Safety (DPS) for conduct committed on campus:

(a) It is the responsibility of all citizens who have direct knowledge of a committed felony to report it to DPS. If a student is suspected of committing a felony, the school administrator must report it to DPS. (See also policy and regulation 2670 and § 60-20-472 - Reporting Violent Behavior and Student Abuse.)

(b) In cases involving a misdemeanor, the principal must exercise his/her professional judgment whether to report the student to DPS. In general, the more serious the misdemeanor, the greater

likelihood it should be referred to DPS. Minor infractions (e.g. a minor caught smoking a cigarette) should be dealt with at the school level.

(c) All incidents involving the use of dangerous weapons should be reported to DPS. (See policy and regulation 2670.)

(d) If a principal or school administrator has evidence of a crime in progress, he/she has the authority to make a citizen's arrest and then must report the crime to DPS immediately.

(e) Upon arriving on campus, DPS personnel must report first to the principal's office. The only exception to first reporting to principal's office is when there is a crime in progress. DPS then has the right to make an immediate arrest and report afterwards to the principal's office.

(f) No student is to be turned over to a non-uniformed policeman without verifying his/her proper identification.

(g) Whenever a student is turned over to DPS, it is the responsibility of the school administrator to immediately notify the student's parent/guardian.

#### **§ 60-20-408. Employees of Department of Public Safety on campus.**

Whenever a student is on campus during school operating hours and is wanted by the Department of Public Safety (DPS) for an alleged offense(s) not reported by the school, the following guidelines shall apply:

(a) In all cases, upon arriving on campus, DPS personnel must report first to the principal's office to inform the principal of the student(s) sought by DPS and to explain the purpose of their visit to the school. The only exception to first reporting to the principal's office is when there is a crime in progress. DPS then has the right to make an immediate arrest and report afterwards to the principal's office. The principal shall immediately notify the parent/guardian of a student who has been arrested by DPS on campus.

(b) In cases involving a felony when DPS personnel wish to question a student during school hours, the parents must be informed before such questioning may begin. The principal may be present during the questioning. A student may be released to DPS if DPS demonstrates to the school that such release is necessary in the interests of law enforcement and public safety, such as a copy of a warrant or indictment. The principal shall immediately notify the parent/guardian of a student who has been released to DPS.

(c) In cases involving a misdemeanor, DPS will make every effort to locate and question a student involved in or knowledgeable of a misdemeanor outside of school operating hours and will only resort to questioning a student during school hours when all other methods fail. In the event that questioning a student during school hours is necessary, the parent must be informed before such questioning may begin and DPS may only question a student when a principal is present. A principal does not need to release a student to DPS in cases involving a misdemeanor.

#### **§ 60-20-426. Truancy and educational neglect procedures.**

(a) Truancy

(1) The principal upon receiving a report from a teacher that a student has accumulated two unexplained absence shall immediately provide counseling to the truant student and promptly issue a truancy report to the student's parent/guardian with a copy provided to the Commissioner of Education. The report shall include recommendation(s) by the school prescribing corrective measures for parent/guardian and student. Any repeated truancy by the student shall be reported to the Division of Youth Services, Community and Cultural Affairs Offices for counseling and other necessary actions, and parent-teacher conferences may also be held.

(2) The Division of Youth Services shall have access to student records with or without prior parent/guardian approval as stated in § 60-20-428. However, such privilege is limited only to the particular caseworker and/or counselor assigned to the case.

(3) All communication with a student's parent/guardian and student contact and reports from referral agencies must be accurately recorded in writing and filed in the student's cumulative folder.

(b) Educational Neglect

(1) Commonwealth law requires that any parent, guardian or other person responsible for a child between the age of six and sixteen shall send the child to a public or nonpublic\* unless the Commissioner of Education grants a waiver. 3 CMC § 1141.

(2) Educational neglect may be defined as when a person who is responsible for a child six through sixteen who through willful or negligent act or omission fails to provide the child with adequate supervision to ensure attendance at school. Individuals who commit educational neglect are subject to criminal prosecution in accordance with the law.

(3) School employees who suspect that a child is subject to educational neglect shall report this as soon as possible to the principal/designee.

(4) The principal/designee shall review the report and confer with the parent/guardian to resolve the situation. When appropriate, a school counselor, social worker, or nurse may be instructed to offer any appropriate social or health services.

(5) If appropriate school intervention does not correct the student's truancy, and reasonable cause for educational neglect has been determined, the principal/ designee shall call the Division of Youth Services and report the alleged child educational neglect. A report of this call shall be forwarded to the Commissioner and carbon copied to PSS legal counsel.

**§ 60-20-466. Student participation in secret organizations and gangs.**

(a) The Board of Education prohibits membership in secret fraternities or sororities, or in other clubs or gangs not sponsored by established agencies or organizations recognized by the PSS. The Board feels that the presence of gangs and gang activities can cause a substantial disruption of or material interference with school and school activities.

(b) A "gang" as defined in this section is any group of two or more persons whose purposes include the commission of illegal acts. By this policy, the Board acts to prohibit existence of gangs and gang activities as follows.

(c) No student on or about school property or at any school activity:

(1) Shall wear, possess, use, distribute, display, or sell any clothing, jewelry, emblem, badge, symbol, sign, or other things, which are evidence of membership or affiliation in any gang.

(2) Shall commit any act or omission or use any speech either verbal or nonverbal (gestures, handshakes, etc.) showing membership or affiliation in a gang.

(3) Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including but not limited to:

(i) Soliciting others for membership in any gangs.

(ii) Requesting any person to pay protection or otherwise intimidating or threatening any person.

(iii) Committing any other illegal act or other violation of school PSS policies.

(iv) Inciting other students to act with physical violence upon any other person.

(d) The principal will establish procedures and regulations to ensure that any student wearing, carrying or displaying gang paraphernalia; exhibiting behavior or gestures which symbolize gang membership; or

causing and/or participating in activities which intimidate or affect the attendance of another student, shall be subject to disciplinary action.

(e) Consequences for such actions and/or behaviors may result in suspension or expulsion.

(f) To further discourage the influence of gangs, PSS administrators shall:

(1) Provide in-service for staff in gang recognition and special workshops for counselors in the event that gangs become a problem at the schools.

(2) Ensure that all students have access to counselors.

(3) Work closely with the local law enforcement authorities and county juvenile officers who work with students and parents/ guardians involved in gang activity.

(4) Provide classroom or after-school programs designed to enhance individual self-esteem and foster interest in a variety of wholesome activities.

**§ 60-20-468. Student use and care of school property.**

(a) The Board of Education recognizes that acts of destruction, defacing, trespassing, burglary and theft of PSS property are contrary to the interests of students, staff and taxpayers. PSS officials will cooperate fully with all law enforcement agencies in the prevention of crimes against PSS property as well as in the prosecution of persons involved in such conduct.

(b) The PSS will seek restitution from students and other persons who have damaged or destroyed PSS property, including text books and other instructional materials. Parents of students who lose or damage school property shall reimburse the school for the value of the lost or damaged articles.

(c) The amount of restitution to PSS for lost, stolen or damaged property shall be determined by the fair value of the lost or stolen property or the cost of reasonable repair if the item is not damaged beyond repair as determined by the principal or Commissioner.

(d) School principals are responsible for enforcing this section and imposing any appropriate discipline and fines.

**§ 60-20-493. Determining when physical restraint may be used.**

(a) Use of restraint. Physical restraint may be used only in the following circumstances:

(1) Non-physical interventions would not be effective; and

(2) The student's behavior poses a threat of imminent, serious, physical harm to self and/or others.

(b) Limitations on use of restraint. Physical restraint in a public education program shall be limited to the use of such reasonable force as is necessary to protect a student or another member of the school community from assault or imminent, serious, physical harm.

(c) Prohibitions. Physical restraint is prohibited in the following circumstances:

(1) As a means of punishment; or

(2) For the convenience of staff; or

(3) As a substitute for less restrictive alternatives; or

(4) As a response to property destruction, disruption of school order, a student's refusal to comply with a school rule or staff directive, or verbal threats that do not constitute a threat of imminent, serious, physical harm; or\*

(d) Referral to law enforcement or other public agencies. Nothing in these regulations prohibits:

(1) The right of any individual to report to appropriate authorities a crime committed by a student or other individual;



(2) Law enforcement, judicial authorities, or school security personnel from exercising their responsibilities, including the physical detainment of a student or other person alleged to have committed a crime or posing a, security risk; or

(3) The exercise of an individual's responsibilities as a mandated reporter pursuant to BOE, CNMI and Federal regulation. These regulations shall not be used to deter any individual from reporting neglect or abuse to an appropriate public agency.

## **School Resource Officer (SRO) or School Security Officer (SSO) Training or Certification**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Authorizations, Memoranda of Understanding (MOUs), and/or Funding**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **Threat Assessment Protocols**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

No relevant regulations found.

## **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 the Commonwealth of the Northern Mariana Islands provide additional context to policy and regulations and, in some cases, may support the readers' efforts to provide a positive disciplinary school climate.

<b>Title</b>	<b>Description</b>	<b>Website address (if applicable)</b>
<b>Website</b>		
Office of Student and Support Services, CNMI Public School System (CNMI PSS)	Presents an overview of programs that promote opportunities that enhance overall student growth, including individualized and equitable instruction, mental health and wellness, and leadership, citizenship, and service learning.	<a href="https://www.cnmipss.org/office-student-and-support-services">https://www.cnmipss.org/office-student-and-support-services</a>
<b>Documents</b>		
No relevant resources found.		
<b>Other Resources</b>		
CNMI Public School System SY 2019-20 Facts & Figures, CNMI PSS	Annual report of K-12 statistical data for schools, departments, and offices in the system to make data-driven decisions.	<a href="https://indd.adobe.com/view/44bb3c78-435a-4e07-9cab-a090a71b9bb7">https://indd.adobe.com/view/44bb3c78-435a-4e07-9cab-a090a71b9bb7</a>
Trauma Advised Student Advocacy (TASA) – A Multi-Tiered System of Support, CNMI PSS	MTSS framework detailing strategies and key partnerships within the universal, targeted, and intensive tiers of support.	<a href="https://www.cnmipss.org/sites/default/files/project-tasa-infografic.jpg">https://www.cnmipss.org/sites/default/files/project-tasa-infografic.jpg</a>