



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

Prepared: April 3, 2019

## ***Introduction***

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

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

## ***Notes & Disclaimers***

To the best of the preparer's knowledge, this Compilation of School Discipline Laws and Regulations is complete and current as of April 2019. Readers should also note that the information in this document was compiled from individual sources that are created by each jurisdiction and which are maintained and updated with varying frequencies. Readers should consult the source information provided directly in order to check for updates to laws and regulations reported in this document or to conduct further research.

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

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## ***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 2. Instructional Programs**

[§ 1123.](#) Student records: Right to access

###### **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 schools 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

## 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**

§ 60-20-001. Authority for adoption

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

§ 60-20-115. Powers and duties

##### **Part 300. General Administration**

§ 60-20-310. Code of conduct - Adults

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

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

§ 60-20-401. Discrimination and harassment prohibited

§ 60-20-402. Sexual harassment of students

§ 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

§ 60-20-410. Distribution of non-curricular publications by students

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

§ 60-20-420. Student Attendance

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

###### **Subpart D. Student Records**

§ 60-20-428. Student educational records

###### **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

§ 60-20-456. Discipline of students with disabilities

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

§ 60-20-460. Closed campus

§ 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

§ 60-50-492. Procedures and training

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

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

§ 60-20-495. Reporting requirements

§ 60-20-496. Students with disabilities

**Part 500. Instructional Services**

§ 60-20-530. Alternative learning settings

§ 60-20-540. Library, media, and technology services; student Internet usage

**Part 800. Support Services**

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

§ 60-20-810. Accident/incident reporting

**Subpart D. Transportation**

§ 60-20-820. Student transportation services

## **General Provisions**

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

#### **LAWS**

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

(s) To establish student disciplinary procedures and guidelines for student rights and responsibilities;

##### **6 CMC § 3175. Prohibition of smoking on property of the public schools system.**

(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.

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

(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.

#### **REGULATIONS**

##### **§ 60-20-001. Authority for adoption.**

The regulations in this chapter are adopted pursuant to the authority of section 9 of chapter 14 of Public Law no. 1-8, and in accordance with the provisions of title 17 of the Trust Territory Code [1 CMC §§ 9101, et seq.].

##### **§ 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:

(7) Enforcement of standards of attendance and laws pertaining to compulsory attendance.

(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:

(8) To appraise and review its policies and actions and the program of education and the performance of the staff.

##### **§ 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, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative disciplinary measures.

##### **§ 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.



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

(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.

## Scope

### LAWS

No relevant laws found.

### REGULATIONS

**§ 60-20-403. Bullying.**

(b) Definitions

(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.

**§ 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 mood-altering 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

#### **§ 60-20-402. Sexual harassment of students.**

(f) Notifications. A copy of the PSS sexual harassment policy shall:

- (1) Be included in the notifications that are sent to parents/guardians at the beginning of each school year.
- (2) Be displayed in a prominent location near each school principal's office.
- (3) Be included in any orientation program conducted for new students in grades six through twelve.
- (4) Appear in any PSS or Board of Education publication that sets forth the PSS or building's comprehensive rules, regulations, procedures, and standards of conduct for students.

#### **§ 60-20-403. Bullying.**

(f) 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.

#### **§ 60-20-428. Student educational records.**

(b) General Guidelines

(3)(i) The PSS will annually disseminate a notice of the rights available under this section to parent/guardian and eligible students. The annual notification will include a statement that the parent/guardian or eligible student is entitled:

- (A) To inspect and review the student's educational records.
- (B) To request changes to the educational records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.
- (C) To consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that federal and state law authorize disclosure without such consent; and
- (D) To obtain a copy of this section and guidelines.

(ii) The annual notification will also inform parent/ guardian and eligible students where copies of the section and guidelines are located.

#### **§ 60-20-540. Library, media, and technology services; Student Internet usage.**

(c) Parental Notification and Responsibility

- (1) The PSS will notify the parents about the PSS network and the policies governing its use. Parents must sign an agreement to allow their student to have an individual account. Parents may request alternative activities for their child(ren) that do not require internet access.
- (2) Parents have the right at any time to investigate the contents of their child(ren)'s e-mail files. Parents have the right to request the termination of their child(ren)'s individual account at any time.

(3) The PSS acceptable use policy contains restrictions on accessing inappropriate material. There is a wide range of material available on the internet, some of which may not be fitting with the particular values of the families of the students. It is not practically possible for the PSS to monitor and enforce a wide range of social values in student use of the internet. Further, the PSS recognizes that parents bear primary responsibility for transmitting their particular set of family values to their children. The PSS will encourage parents to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the PSS-ESN.

(4) The PSS will provide students and parents with guidelines for student safety while using the internet.

(5) (Optional, if dial-up access is provided) Parents are responsible for monitoring their student's use of the internet when they are accessing the system from home.

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

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

#### **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, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative disciplinary measures.

### **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, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative 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.

## Use of corporal punishment

### LAWS

No relevant laws found.

### REGULATIONS

No relevant regulations found.

## Use of student and locker searches

### 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.

#### **§ 60-20-540. Library, media, and technology services; student Internet usage.**

(e) Your Rights

(2) Searches and Seizure

(i) You should expect only limited privacy in the contents of your personal files on the PSS system. The situation is similar to the rights you have in the privacy of your locker.

(ii) Routine maintenance and monitoring of PSS-ESN may lead to discovery that you have violated this section, the student disciplinary code, or the law.

(iii) An individual search will be conducted if there is reasonable suspicion that you have violated this section, the student disciplinary code, or the law. The investigation will be reasonable and related to the suspected violation.

(iv) Your parents have the right at any time to request to see the contents of your e-mail files.

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

### **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, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative disciplinary measures.

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

## **Grounds for possible suspension or expulsion**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **§ 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) Harassment 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 cigarette 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 mediation (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.

**§ 60-20-450. Expulsion.**

(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).

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

(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.

**§ 60-20-540. Library, media, and technology services; student Internet usage.**

(d) Unacceptable Uses. The following uses of PSS-ESN are considered unacceptable:

(9) Consequences or Unacceptable Uses

- (i) Your classroom teacher, your school administrator, or the PSS Technology Coordinator may revoke your privileges under this policy for any unacceptable uses, including uses not specifically listed herein.
- (ii) Unacceptable uses by a student may result in disciplinary action, including suspension or expulsion.

# Grounds for mandatory 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.

(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) Harassment 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 cigarette 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 mediation (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) Act of terrorism (such as bomb threats);
- (3) Fraud and/or identity theft.

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

### **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.

#### **§ 60-20-456. Discipline of students with disabilities.**

(a) The obligation and the responsibility to attend school regularly and to comply with the Board's discipline policies applies to all students. When appropriate, the PSS may discipline a student with a disability who is eligible for special education and related services under the Individuals with Disabilities Education Act (IDEA) in a manner that is consistent with the IDEA law and regulations and PSS policies, including the special education procedural manual, and applicable law.

(b) A special education student will be provided a free appropriate public education consistent with the IDEA if the student has been removed from school for more than ten school days in a school year. If a special education student is removed ten cumulative school days or less, special educational services will be provided only if such services are provided to students without disabilities who have been similarly removed.

(c) Please refer to applicable law and special education procedural manual.

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

### **LAWS**

No relevant laws found.

## REGULATIONS

### **§ 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.

### **§ 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.

## **In-school 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, counseling sessions, work detail, community service, appropriate restitution, behavioral intervention plans, and any reasonable creative disciplinary measures.

### **§ 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.

## 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.

## **Use of 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.

**§ 60-50-492. Procedures and training.**

(a) Procedures. The Commissioner of Education or his/her designee shall develop written procedures regarding appropriate responses to student behavior that may require immediate intervention. Such procedures shall be annually reviewed and provided to school staff and made available to parents of enrolled students. Such procedures shall include, but not be limited to:

- (1) Methods for preventing student violence, self-injurious behavior, and suicide, including de-escalation of potentially dangerous behavior occurring among groups of students or with an individual student;
- (2) PSS policy regarding restraint that provides a description and explanation of the method of physical restraint, a description of the training requirements, reporting requirements and follow-up procedures, and a procedure for receiving and investigating complaints regarding restraint practices.

(b) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the PSS's restraint policy. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

- (1) The program's restraint policy;
- (2) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
- (3) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used; and
- (4) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student.

(c)(1) In-depth staff training in the use of physical restraint. At the beginning of each school year, the Commissioner or his/her designee shall identify PSS staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint.

(2) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:

- (i) Appropriate procedures for preventing the need for restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
- (ii) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
- (iii) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
- (iv) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and

(v) Demonstration by participants of proficiency in administering physical 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 in-depth 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 follow-up 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.

#### **§ 60-20-496. Students with disabilities.**

(a) Students with Disabilities. Restraint administered to a student with a disability pursuant to an Individualized Education Plan ("IEP") or other written plan developed in accordance with local and federal law shall be deemed to meet the requirements of this regulation, except that the limitations on chemical, mechanical, and seclusion restraint, the training requirements, and the reporting requirements set forth in this subpart shall apply.

## **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.

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

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

#### **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.

(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;

### **Other weapons**

#### **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.

(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:

(13) Possession and/or detonation of an incendiary or explosive material and/or device (firecracker or greater);

(27) Possession or use of a weapon or look-alike weapon of any kind (other than a firearm) including, but not be 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;



(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;

(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) Act of terrorism (such as bomb threats);

(3) Fraud and/or identity theft.

## **Students with chronic disciplinary issues**

### **LAWS**

#### **6 CMC § 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.

### **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.

(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:

(2) Chronic disruption of the school program and/or activities;

## **Attendance and truancy**

### **LAWS**

#### **3 CMC § 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.

**6 CMC § 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.

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

(a) The Board of Education shall establish a School Attendance Review 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:
- (7) Enforcement of standards of attendance and laws pertaining to compulsory attendance.

**§ 60-20-420. Student attendance.**

The Public School System recognizes two types of absences: excused or unexcused.

(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 7-12) 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.

(4) For the purpose of this section, three unexcused tardies within a term or semester from a course/class shall equal one unexcused absence from the course/class for that term or semester.

(f) Tardiness. 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 whether the student is late by five minutes or fifteen minutes. A student who misses more than half of the class or activity shall be considered absent for the entire class or activity.

(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:

- (9) Tardiness (class/classes);
- (10) Tardiness (school day);
- (11) Truancy (class/classes);
- (12) Truancy (school day);

## **Substance use**

### **LAWS**

#### **6 CMC § 3175. Prohibition of smoking on property of the public schools 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));
- (17) Possession and/or use of tobacco or cigarette rolling paper, repeated offense;
- (18) Possession and/or use of betel nut (pugua) and/or betel nut-paraphernalia, repeated offense;
- (25) Distribution and/or sale of alcohol;
- (26) Distribution and/or sale of controlled substances (illegal drugs), excluding betel nut;
- (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);
- (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;

**§ 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 mood-altering 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.

## **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 PSS EEO Officer. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS EEO Officer.

(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 and PSS EEO Officer 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.

(e) The PSS EEO Officer will be available to answer all questions regarding this regulation or its implementation.

**§ 60-20-402. Sexual harassment of students.**

The Board of Education is committed to maintaining a learning environment for its students that is free from sexual harassment. Furthermore, the Board of Education strongly believes that no person in the PSS shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity.

(a) Definition of Sexual Harassment

(1) Title IX forbids discrimination on the basis of sex in any educational program or activity that receives federal funds. This includes a prohibition on sexual harassment. The Office for Civil Rights of the U.S. Department of Education defines sexual harassment under title IX as follows: "Verbal or physical conduct of a sexual nature, imposed on the basis of sex, by an employee or agent of a recipient that denies, limits, provides different, or conditions the provisions of aid, benefits, services or treatment protected under title IX."



(2) Sexual harassment under title IX includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- (i) Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's academic status or progress, or employment.
- (ii) Submission to or rejection of such conduct by an individual is the basis for educational or employment decisions affecting that individual.
- (iii) Such conduct creates an intimidating, hostile, or offensive educational or work environment.
- (iv) Qualified students are denied educational or employment opportunities or benefits because the opportunities or benefits are given to another student or employee who submitted to sexual advances or requests for sexual favors. Sexual harassment of students by adults who otherwise come within this policy is absolutely prohibited regardless of whether the conduct is "welcome."

(b) Examples of Sexual Harassment

(1) Unwelcome Sexual Advances. Whether the advance is "unwelcome" is determined on a case-by-case basis. Unwelcome advances may include, but are not limited to, the following:

- (i) Any invitation (even subtle) intended to result in a sexual liaison.
- (ii) Invitations to dinner or social events, when refusal results in the loss of academic status or in other adverse educational decisions.
- (iii) Propositioning a student.

(2) Unwelcome Verbal Conduct of a Sexual Nature. This may include, but is not limited to, the following:

- (i) Sexually provocative or explicit speech.
- (ii) Publicly expressed sexual fantasies.
- (iii) Jokes of a sexual or crude nature.
- (iv) Derogatory comments directed to males or females as a class (language directed toward a specific student is more likely to be viewed as sexual harassment).
- (v) Demeaning comments.
- (vi) Threats for not agreeing to submit to sexual advances.
- (vii) Writing sexually explicit memos.

(3) Unwelcome Physical Conduct of a Sexual Nature. This may include, but is not limited to, the following:

- (i) Grabbing or twisting an individual's arm.
- (ii) Any unwarranted touching.
- (iii) Sexually offensive pranks.
- (iv) Drawing sexually explicit cartoons, other drawings, or graffiti.
- (v) Gestures indicating sexual behavior.
- (vi) Suggestive winks.
- (vii) Kissing.

(4) Student Specific. In addition to the foregoing examples, students may experience harassment that is unique to their situation, some of which may not be immediately recognized as sexual harassment. Such harassment may include, but is not limited to, the following:

- (i) Unwanted sexual behavior, such as touching, oral comments, sexual name calling, spreading sexual rumors, jokes, pictures, leers, overly personal conversation, cornering or blocking a student's movement, pulling at clothes, students "making out" on school premises.

(ii) A student in a predominately single-gender class who is subjected to sexual remarks by a teacher or students who regard the comments as joking and part of the usual class environment.

(iii) Interfering with a student's achievement in a predominantly or historically single-gender class by hiding tools or equipment, questioning the student's ability to handle the work, or suggesting that the student is "abnormal" for enrolling in the class.

(iv) Purposefully limiting or denying students access to educational resources because of their gender.

(v) Teasing a student about the student's enrollment in a predominantly or historically single-gender class. Sexual harassment of students by adults who otherwise come within this policy is absolutely prohibited regardless of whether the conduct is "welcome."

(c) Nature of Sexual Harassment. Sexual harassment is not limited to conduct by males toward females. Sexual harassment may occur between any or all of the following:

(1) Student to student.

(2) Staff to student

(3) Student to staff.

(4) Male to male.

(5) Female to female.

(6) Male to female.

(7) Female to male.

(d) Investigation of Sexual Harassment Complaints

(1) If a student believes he/she is being sexually harassed, the student should bring the concern to the attention of the building principal.

(2) If the student feels that such contact with the building principal would be inappropriate or if the student simply feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the PSS EEO Officer for the PSS. If the situation is not satisfactorily resolved by the building principal, the student should contact the PSS EEO Officer.

(3) If neither the student's building principal nor the PSS EEO Officer is of the same sex as the student, or the student for any other reason would prefer to report the student's concern to another administrator within the PSS, the student may do so. However, it is essential that the report be made to someone with the authority and obligation to act upon the concern.

(4) Any teacher, counselor, or administrator who receives a report, orally or in writing, from any student regarding sexual harassment of that student or another student by a student or adult in the educational setting must forward that report to the building principal and the PSS EEO Officer within twenty-four hours, or within a reasonable extension of time thereafter, for good cause shown.

(5) Oral complaints of sexual harassment will be put in writing by the complainant or by the person who receives the complaint, and should be signed by the complainant. However, the complainant's refusal to sign a complaint does not relieve the PSS of the obligation to investigate the complaint

(6) A student who believes that he/she has been subjected to sexual harassment shall not be required to confront the alleged harasser prior to making the report.

(7) Following receipt of the report, PSS personnel will promptly and fully investigate the complaint and will notify the student and the alleged harasser of the results of the investigation. Investigations will be conducted with full recognition of the rights of all parties involved.

(8) Upon receipt of the report, the principal and/or the PSS EEO Officer will appoint an investigator to investigate the complaint. Such investigation shall commence within forty-eight hours after such appointment.

(9) The PSS will maintain the confidentiality of the complaint and the details of the investigation to the fullest extent possible.

(10) The investigator will put his/her findings in writing and will forward a copy to the principal and the PSS EEO Officer within two weeks after concluding the investigation, or within a reasonable extension of time thereafter, for good cause shown.

(11) If the investigation substantiates the complaint, the PSS will take appropriate disciplinary action against the offender(s), commensurate to the severity of the harassment (up to and including termination of employment). If the offender is another student, disciplinary action will be taken in accordance with Board policies and regulations. If the offender is not an employee of the PSS, the PSS will take appropriate action within the scope of its authority to eliminate and redress the harassment.

(12) If the investigation is indeterminate, the matter will still be designated as unresolved, and the investigation file will be maintained by the PSS EEO Officer in a file separate and apart from any student or personnel file.

(13) 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 sexual harassment.

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

(e) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from sexual harassment. 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 sexual harassment policy, including but not limited to following:

(1) All vulgar or sexually offensive graffiti shall be removed from the premises.

(2) The building administrator shall provide an in-service regarding sexual harassment (including sexual harassment involving students) to all staff by the end of the first four calendar weeks of school.

(3) Student instruction regarding sexual harassment shall be provided annually by the end of September to all students in grades six through twelve. Age appropriate instruction will also be presented to pre-kindergarten through fifth grade students.

(4) Designated teachers shall discuss this policy with their students within one month after its adoption by the Board and during the first week of the school year thereafter. Written copies of the policy shall be given to each student in grades six through twelve (and in lower grades as may be appropriate) as part of these discussions. Discussion shall be conducted in age appropriate manner and should assure students they need not tolerate any form of sexual harassment.

(5) All teacher, counselors, and administrators shall instruct students on the procedures for reporting sexual harassment within the educational setting on an as-needed basis.

(6) The building administrator shall take prompt action to investigate all complaints of sexual harassment.

(7) The building administrator shall take appropriate disciplinary action, as necessary.

(f) Notifications. A copy of the PSS sexual harassment policy shall:

- (1) Be included in the notifications that are sent to parents/guardians at the beginning of each school year.
- (2) Be displayed in a prominent location near each school principal's office.
- (3) Be included in any orientation program conducted for new students in grades six through twelve.
- (4) Appear in any PSS or Board of Education publication that sets forth the PSS or building's comprehensive rules, regulations, procedures, and standards of conduct for students.

(g) Discipline/Consequences

- (1) Any student who engages in sexual 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 sexual harassment of students will be subject to disciplinary action, up to and including dismissal.
- (3) Any employee who receives a complaint of sexual harassment from a student and who does not act promptly to forward that complaint to the principal and PSS EEO Officer shall be disciplined appropriately.
- (4) Any student who brings a false charge of sexual harassment shall receive appropriate discipline. The term "false charge" mean 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.
- (5) The PSS EEO Officer will be available to answer all questions regarding this regulation or its implementation.

(h) Title IX Grievance Procedure (Sexual Harassment)

(1) Level 1: Principal or Immediate Supervisor (informal and optional - may be bypassed by grievant). An informal meeting with the parties and the principal or the PSS EEO Officer can solve many problems. A student who believes that he/she has been subjected to sexual harassment is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. If the individual's teacher/supervisor is the person alleged to have engaged in sexual harassment then the grievant should skip level 1 and go directly to level 2.

(2) Level 2: The Investigation

- (i) If the complaint or issue is not resolved at level 1 or if the grievant chooses to skip level 1, the grievant may file a signed, written grievance stating:
  - (A) The nature of the grievance;
  - (B) The remedy requested; and
  - (C) The date the grievance was submitted. The level 2 written grievance should be filed with the PSS EEO Officer within fifteen days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.
- (ii) The PSS EEO Officer may appoint an investigator to investigate a written grievance. If possible, the investigator will resolve the grievance. If the parties cannot agree on a resolution, the PSS EEO Office or appointed investigator will prepare a written report of the investigation that shall include:
  - (A) A clear statement of the allegations of the grievance and remedy sought by the grievant.
  - (B) A statement of the facts as contended by each of the parties.
  - (C) A statement of the facts as found by the appointed investigator and identification of evidence to support each fact.
  - (D) A list of all witnesses interviewed and documents reviewed during the investigation.

(E) A narrative describing attempts to resolve the grievance.

(F) The appointed investigator's conclusion as to whether the allegations in the grievance are meritorious.

(iii) The investigator shall consult with the EEO Officer during the investigation and attempted resolution of the grievance.

(iv) The appointed investigator will complete the investigation and file the report within thirty days after receipt of the written grievance. The investigator shall file the report with the EEO Officer and the EEO officer will make any necessary recommendations and forward the report to the Commissioner's office.

(v) If the Commissioner/designee agrees with the recommendations of PSS EEO Officer, the recommendations will be implemented. The Commissioner/designee will inform the grievant in writing of his or her decision and any action that will be taken.

(3) Level 3: The Board of Education. If the Commissioner rejects the recommendations of the EEO Officer, and/or either party is not satisfied with the recommendations from level 2, either party may make a written appeal within ten days of receiving the report of the Commissioner to the Board of Education. On receipt of the written appeal, the matter shall be placed on the agenda of the Board of Education for consideration within thirty days. A decision shall be made and reported in writing to all parties within thirty days of that meeting. The decision of the Board of Education will be final.

(4) Other Options for Grievant. At any time during this process, a grievant may file a complaint with the U.S. Department of Education, Office for Civil Rights, the Equal Employment Opportunity Commission and/or the Federal Omnibusman to the Commonwealth.

#### **§ 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 PSS EEO Officer. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS EEO Officer.

(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 and PSS EEO Officer 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) The PSS EEO Officer will be available to answer all questions regarding this regulation or its implementation.

(f) 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:

(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.

(10) Harassment for any reason including, but not limited to, sex, sexual orientation, color, race, religion, national origin, and disability;

## **Other special infractions or conditions**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

#### **§ 60-20-410. Distribution of non-curricular publications by students.**

(a) Guidelines for Distribution

- (1) Students may distribute, at reasonable times and places, unofficial written materials, petitions, buttons, badges, or other insignia, except expressions which:
- (i) Are obscene to minors.
  - (ii) Are libelous.
  - (iii) Are pervasively indecent or vulgar.
  - (iv) Advertise any product or service not permitted to minors by law.
  - (v) Constitute insulting, hateful or fighting words, the very expression of which injures or harasses other people (e.g., threats of violence, defamation of character or of a person's race, religion, or ethnic origin).

(vi) Present a clear and present likelihood that, either because of their content or their manner of distribution, will cause a material and substantial disruption of the proper and orderly operation and discipline of the school or school activities, or will cause the commission of unlawful acts or the violation of lawful school regulations.

(2) Distribution on school premises of material in above categories to any student is prohibited.

(b) Procedures

(1) Any student wishing to distribute unofficial written material must first submit for approval a copy of the material to the principal/designee at least three days in advance of desired distribution time, together with the following information:

- (i) Name and phone number of the person submitting request.
- (ii) Date(s) and times(s) of day of intended display or distribution.
- (iii) Location where material would be displayed or distributed.
- (iv) The grade(s) of students to whom the display or distribution is intended.

(2) Within forty-eight hours of submission, the principal/ designee will render a decision whether the material violates the guidelines contained in this section or the time, place and manner restrictions of this section. In the event that permission to distribute the material is denied, the student submitting the request should be informed of the reasons for the denial.

(3) Permission to distribute material does not imply approval of its contents by the school, the administration, the Board, or the individual reviewing the material submitted. Accordingly, the publication shall contain a statement "The opinions expressed are not necessarily those of the PSS or its personnel."

(4) If the student is dissatisfied with the decision of the principal/designee, the student may submit a written request for appeal to the Commissioner/designee. If still not satisfied, the student may appeal the request to the Board for its review.

(c) Time, Place and Manner of Distribution. The distribution of written material shall be limited to a reasonable time, place and manner as follows:

- (1) No written material may be distributed during and at the place of a normal school activity (e.g., classroom) if it is reasonably likely to cause a material and substantial disruption of that activity.
- (2) Distribution of written material is prohibited when it blocks the safe flow of traffic within corridors and entrance ways of the school.

(d) Definitions. The following definitions apply to the following terms as used in this policy.

(1) Obscene to minors is defined as:

- (i) The average person, applying contemporary community standards, would find that the written material, taken as a whole, appeals to the prurient interests of minors of the age to whom distribution is requested; and/or
- (ii) The material depicts and describes, in a manner that is patently offensive to prevailing standards in the adult community concerning how such conduct should be presented to minors of the age to whom distribution is requested, sexual conduct such as intimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals; and/or
- (iii) The material taken as a whole lacks serious literary, artistic, political or scientific value for minors. Minor is defined as any person under the age of eighteen.

(2) Material and substantial disruption of a normal school activity is defined as follows:

- (i) Any disruption that interferes with or impedes the implementation of any educational or school sponsored program.



(ii) In order for expression to be considered disruptive; there must exist specific facts upon which the likelihood of disruption can be forecast, including past experience in the school and current events influencing student activities and behavior.

(3) School activities is defined as any activity of students sponsored by the school and includes - by way of example, and not by way of limitation - classroom work, library activities, physical education classes, official assemblies, and other similar gatherings, school athletic contests, band concerts, school plays, and in-school lunch periods.

(4) Unofficial written material is defined as all written material except school publications funded and/or sponsored or authorized by the school. Examples include leaflets, brochures, flyers, petitions, placards and underground newspapers, whether written by students or others.

(5) Libelous is defined as a false or unprivileged statement about a specific individual that tends to harm the individual's reputation, or to lower him/her in the esteem of the community.

(6) Distribution is defined as circulation or dissemination of written material by means of handing out free copies, selling or offering copies for sale and accepting donations for copies. It includes displaying written material in areas of the school, which are generally frequented by students.

(e) Disciplinary Action. Distribution by a student of unofficial written material prohibited in this section will be treated as a violation of the student discipline code.

#### **§ 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;
- (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;
- (15) Excessive foul or abusive language;
- (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;
- (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;

- (8) Extortion less than \$300;
  - (9) False fire alarm/false fire report;
  - (11) Indecent exposure;
  - (12) Participating in, or inciting a school disruption;
  - (15) Theft and/or knowingly possessing stolen property
  - (16) Trespassing on school property;
  - (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;
  - (28) Extortion of \$300 or more;
  - (32) Robbery;
  - (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:
- (2) Act of terrorism (such as bomb threats);
  - (3) Fraud and/or identity theft.

**§ 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.

**§ 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.

**§ 60-20-820. Student transportation services.**

All school bus riders must adhere to the following rules and procedures.

- (a) Leave home early enough to arrive at school bus station on time.
- (b) Wait for school bus in a safe place and remain there quietly. Stay well off the roadway.
- (c) Enter the school bus in an orderly manner and take a seat. Remain quiet.
- (d) Follow all instructions of the school bus driver. The bus driver is in charge at all times.
- (e) Remain seated at all times while the school bus is in motion.
- (f) Learn emergency drill procedures and follow them at all times.
- (g) Help to keep the school bus clean and in good condition.
- (h) Keep head, arms and other parts of the riders' body inside the school bus at all times.
- (i) Be alert for traffic when leaving the school bus.
- (j) Do not carry tools or equipment to or from school unless turned over to the school bus driver to be returned when disembarking.
- (k) Do not eat, drink, or chew gum while inside the school bus.
- (l) Turn over instruments, such as radio, cassette recorder, guitar, ukulele, etc., to the school bus driver upon entering the bus to be returned when disembarking.
- (m) Place books, lunches, purses and other belongings directly under the seat.
- (n) Be courteous to the school bus driver, conductor and fellow passengers.
- (o) No crossing behind the bus at all times.
- (p) No chewing betel nut inside the school bus.
- (q) No spitting inside the bus or out the window.
- (r) No smoking or use of other tobacco products inside the school bus.
- (s) No fighting inside the school buses.
- (t) Student and/or parent/guardian are responsible to pay for damages or destruction to the bus or property of others.

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

### **Prevention**

#### **LAWS**

##### **6 CMC § 3175. Prohibition of smoking on property of the public schools system.**

(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**

##### **§ 60-20-402. Sexual harassment of students.**

(e) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from sexual harassment. 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 sexual harassment policy, including but not limited to following:

(3) Student instruction regarding sexual harassment shall be provided annually by the end of September to all students in grades six through twelve. Age appropriate instruction will also be presented to pre-kindergarten through fifth grade students.

(4) Designated teachers shall discuss this policy with their students within one month after its adoption by the Board and during the first week of the school year thereafter. Written copies of the policy shall be given to each student in grades six through twelve (and in lower grades as may be appropriate) as part of these discussions. Discussion shall be conducted in age appropriate manner and should assure students they need not tolerate any form of sexual harassment.

(5) All teacher, counselors, and administrators shall instruct students on the procedures for reporting sexual harassment within the educational setting on an as-needed basis.

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

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

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

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

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

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

(b) Educational Neglect

(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.

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

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

(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.

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

(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.

## **Professional development**

### **LAWS**

No relevant laws found.

### **REGULATIONS**

**§ 60-20-402. Sexual harassment of students.**

(e) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from sexual harassment. 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 sexual harassment policy, including but not limited to following:

(2) The building administrator shall provide an in- service regarding sexual harassment (including sexual harassment involving students) to all staff by the end of the first four calendar weeks of school.

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

(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.

**§ 60-50-492. Procedures and training.**

(b) Required training for all staff. Each principal or director shall determine a time and method to provide all program staff with training regarding the PSS's restraint policy. Such training shall occur within the first month of each school year and, for employees hired after the school year begins, within a month of their employment. Training shall include information on the following:

- (1) The program's restraint policy;
  - (2) Interventions that may preclude the need for restraint, including de-escalation of problematic behaviors;
  - (3) Types of restraints and related safety considerations, including information regarding the increased risk of injury to a student when an extended restraint is used; and
  - (4) Administering physical restraint in accordance with known medical or psychological limitations and/or behavioral intervention plans applicable to an individual student.
- (c)(1) In-depth staff training in the use of physical restraint. At the beginning of each school year, the Commissioner or his/her designee shall identify PSS staff that are authorized to serve as a school-wide resource to assist in ensuring proper administration of physical restraint. Such staff shall participate in in-depth training in the use of physical restraint.
- (2) Content of in-depth training. In-depth training in the proper administration of physical restraint shall include, but not be limited to:
- (i) Appropriate procedures for preventing the need for restraint, including the de-escalation of problematic behavior, relationship building and the use of alternatives to restraint;
  - (ii) A description and identification of dangerous behaviors on the part of students that may indicate the need for physical restraint and methods for evaluating the risk of harm in individual situations in order to determine whether the use of restraint is warranted;
  - (iii) The simulated experience of administering and receiving physical restraint, instruction regarding the effect(s) on the person restrained, including instruction on monitoring physical signs of distress and obtaining medical assistance;
  - (iv) Instruction regarding documentation and reporting requirements and investigation of injuries and complaints; and
  - (v) Demonstration by participants of proficiency in administering physical restraint.

## ***Monitoring and Accountability***

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

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

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

###### **(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 PSS EEO Officer. If the situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS EEO Officer.
- (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.

##### **§ 60-20-402. Sexual harassment of students.**

###### **(d) Investigation of Sexual Harassment Complaints**

- (1) If a student believes he/she is being sexually harassed, the student should bring the concern to the attention of the building principal.
- (2) If the student feels that such contact with the building principal would be inappropriate or if the student simply feels more comfortable speaking to someone other than the building principal, the student may inform any teacher, counselor or the PSS EEO Officer for the PSS. If the situation is not satisfactorily resolved by the building principal, the student should contact the PSS EEO Officer.
- (3) If neither the student's building principal nor the PSS EEO Officer is of the same sex as the student, or the student for any other reason would prefer to report the student's concern to another administrator within the PSS, the student may do so. However, it is essential that the report be made to someone with the authority and obligation to act upon the concern.
- (4) Any teacher, counselor, or administrator who receives a report, orally or in writing, from any student regarding sexual harassment of that student or another student by a student or adult in the educational setting must forward that report to the building principal and the PSS EEO Officer within twenty-four hours, or within a reasonable extension of time thereafter, for good cause shown.
- (5) Oral complaints of sexual harassment will be put in writing by the complainant or by the person who receives the complaint, and should be signed by the complainant. However, the complainant's refusal to sign a complaint does not relieve the PSS of the obligation to investigate the complaint



- (6) A student who believes that he/she has been subjected to sexual harassment shall not be required to confront the alleged harasser prior to making the report.
  - (7) Following receipt of the report, PSS personnel will promptly and fully investigate the complaint and will notify the student and the alleged harasser of the results of the investigation. Investigations will be conducted with full recognition of the rights of all parties involved.
  - (8) Upon receipt of the report, the principal and/or the PSS EEO Officer will appoint an investigator to investigate the complaint. Such investigation shall commence within forty-eight hours after such appointment.
  - (9) The PSS will maintain the confidentiality of the complaint and the details of the investigation to the fullest extent possible.
  - (10) The investigator will put his/her findings in writing and will forward a copy to the principal and the PSS EEO Officer within two weeks after concluding the investigation, or within a reasonable extension of time thereafter, for good cause shown.
  - (11) If the investigation substantiates the complaint, the PSS will take appropriate disciplinary action against the offender(s), commensurate to the severity of the harassment (up to and including termination of employment). If the offender is another student, disciplinary action will be taken in accordance with Board policies and regulations. If the offender is not an employee of the PSS, the PSS will take appropriate action within the scope of its authority to eliminate and redress the harassment.
  - (12) If the investigation is indeterminate, the matter will still be designated as unresolved, and the investigation file will be maintained by the PSS EEO Officer in a file separate and apart from any student or personnel file.
  - (13) 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 sexual harassment.
  - (14) The responsible administrator shall follow up regularly with the complaining student to ensure that the harassment has stopped and that no retaliation has occurred.
- (e) Enforcement. Each building administrator is responsible for maintaining an educational and work environment free from sexual harassment. 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 sexual harassment policy, including but not limited to following:
- (5) All teacher, counselors, and administrators shall instruct students on the procedures for reporting sexual harassment within the educational setting on an as-needed basis.
- (h) Title IX Grievance Procedure (Sexual Harassment)
- (1) Level 1: Principal or Immediate Supervisor (informal and optional - may be bypassed by grievant). An informal meeting with the parties and the principal or the PSS EEO Officer can solve many problems. A student who believes that he/she has been subjected to sexual harassment is encouraged to first discuss it with the teacher, counselor, or building administrator involved with the objective of resolving the matter promptly and informally. If the individual's teacher/supervisor is the person alleged to have engaged in sexual harassment then the grievant should skip level 1 and go directly to level 2.
  - (2) Level 2: The Investigation
    - (i) If the complaint or issue is not resolved at level 1 or if the grievant chooses to skip level 1, the grievant may file a signed, written grievance stating:
      - (A) The nature of the grievance;

(B) The remedy requested; and

(C) The date the grievance was submitted. The level 2 written grievance should be filed with the PSS EEO Officer within fifteen days of the event or incident, or from the date the grievant could reasonably become aware of such occurrence.

(ii) The PSS EEO Officer may appoint an investigator to investigate a written grievance. If possible, the investigator will resolve the grievance. If the parties cannot agree on a resolution, the PSS EEO Office or appointed investigator will prepare a written report of the investigation that shall include:

(A) A clear statement of the allegations of the grievance and remedy sought by the grievant.

(B) A statement of the facts as contended by each of the parties.

(C) A statement of the facts as found by the appointed investigator and identification of evidence to support each fact.

(D) A list of all witnesses interviewed and documents reviewed during the investigation.

(E) A narrative describing attempts to resolve the grievance.

(F) The appointed investigator's conclusion as to whether the allegations in the grievance are meritorious.

(iii) The investigator shall consult with the EEO Officer during the investigation and attempted resolution of the grievance.

(iv) The appointed investigator will complete the investigation and file the report within thirty days after receipt of the written grievance. The investigator shall file the report with the EEO Officer and the EEO officer will make any necessary recommendations and forward the report to the Commissioner's office.

(v) If the Commissioner/designee agrees with the recommendations of PSS EEO Officer, the recommendations will be implemented. The Commissioner/designee will inform the grievant in writing of his or her decision and any action that will be taken.

(3) Level 3: The Board of Education. If the Commissioner rejects the recommendations of the EEO Officer, and/or either party is not satisfied with the recommendations from level 2, either party may make a written appeal within ten days of receiving the report of the Commissioner to the Board of Education. On receipt of the written appeal, the matter shall be placed on the agenda of the Board of Education for consideration within thirty days. A decision shall be made and reported in writing to all parties within thirty days of that meeting. The decision of the Board of Education will be final.

(4) Other Options for Grievant. At any time during this process, a grievant may file a complaint with the U.S. Department of Education, Office for Civil Rights, the Equal Employment Opportunity Commission and/or the Federal Omnibusman to the Commonwealth.

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

(b) Educational Neglect

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

#### **§ 60-20-403. Bullying.**

(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 PSS EEO Officer. If the

situation is not satisfactorily resolved by the building principal, the student or parent should contact the PSS EEO Officer.

(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.

**§ 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 injuries 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.

### **§ 60-20-426. 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

- (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.

### **§ 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.

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

(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.

**§ 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.

## **Reporting and referrals between schools and law enforcement**

### **LAWS**

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

(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.

### **REGULATIONS**

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

(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.

**§ 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.**

(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.**

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

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

**§ 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.

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

(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.

**§ 60-20-540. Library, media, and technology services; student Internet usage.**

(d) Unacceptable Uses. The following uses of PSS-ESN are considered unacceptable:

(9) Consequences or Unacceptable Uses

(iii) Any illegal uses may be reported to the Department of Public Safety or the Federal Bureau of Investigations.

## **Disclosure of school records**

### **LAWS**

**3 CMC § 1123. Student records: Right to access.**

(a) Parents or legal guardians of currently enrolled, or formerly enrolled students, and students who have attained the age of eighteen (18), who are attending an institution of post-secondary education, have an absolute right to access their educational records.



(b) The Board shall adopt and maintain procedures for the granting of valid requests by entitled persons to inspect, review, and or be provided copies of their student's educational records. Valid record requests from entitled persons shall be granted within five (5) business days of the request. When necessary and upon request qualified personnel shall be made available to interpret records.

## **REGULATIONS**

### **§ 60-20-428. Student educational records.**

#### **(a) Definitions**

(1) Permanent records shall include the following information:

(i) The name and sex of the student as given in a legal document, such as a birth certificate, court order or official record of school previously attended.

(ii) Any other name(s) by which the student may be identified.

(iii) The student's date of birth and the method of verification of the date of birth for the student.

(iv) The name and address of the student's parent/ guardian if the student is a minor.

(v) The student's primary language and ethnic background.

(vi) A record of the entering and leaving dates for all school sessions previously attended by the student.

(vii) A record of the instruction in which the student participated, and of the student's rating or achievement in instruction (student progress report or equivalent).

(viii) Test score records.

(ix) Any specific health problem and verification of immunization.

(x) Insurance company.

(xi) Disciplinary records related to all suspensions and expulsions.

(xii) Other pertinent educational information, including attendance.

(2) Directory information means information contained in the education record of a student which would not generally be considered harmful or an invasion of privacy if disclosed. Directory information, under this section, includes, but is not limited to, the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous school attended.

(3) Educational record means those records that are directly related to a student and are maintained by the PSS.

(4) Disclosure means to permit access to or the release, transfer, or other communication of education records, or the personally identifiable information contained in those records, to any party, by any means, including oral, written or electronic means.

(5) Eligible student means a student who has reached 18 years of age or attends an institution of post-secondary education.

(6) Parent means a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent/guardian in the absence of a parent/guardian.

(7) Personally identifiable information includes, but is not limited to the student's name; the name of the student's parent/guardian or other family member; the address of the student or student's family; a personal identifier, such as the student's social security number or student number; a list of personal

characteristics that would make the student's identity easily traceable, or other information that would make the student's identity easily traceable.

(8) Student means any individual who is or has been in attendance in the Commonwealth and about whom the PSS maintains education records.

(b) General Guidelines

(1) The PSS shall give full rights under this section to either parent/guardian of a student; unless the PSS is provided with a court order, state law or other legally binding document that specifically revokes the parent/ guardian's rights to access under this section.

(2) When a student reaches the age of 18, or attends a post-secondary institution of education the parent/ guardian rights under this policy will transfer from the parent/guardian to the student.

(3)(i) The PSS will annually disseminate a notice of the rights available under this section to parent/guardian and eligible students. The annual notification will include a statement that the parent/guardian or eligible student is entitled:

(A) To inspect and review the student's educational records.

(B) To request changes to the educational records to ensure that the records are not inaccurate, misleading, or otherwise in violation of the student's privacy or other rights.

(C) To consent to disclosures of personally identifiable information contained in the student's educational records, except to the extent that federal and state law authorize disclosure without such consent; and

(D) To obtain a copy of this section and guidelines.

(ii) The annual notification will also inform parent/ guardian and eligible students where copies of the section and guidelines are located.

(4) Prior to making directory information public, the PSS will notify the parent/guardian regarding the categories of information that it has designated as directory. In addition, the PSS will allow a reasonable period of time after such notice for the parent/guardian or eligible student to inform the PSS that any or all of the designated directory information should not be released without the parents/guardians' or eligible student's consent.

(5) Principal/designee of the school where access to student records is being requested shall provide a space or room for authorized agency or person requesting access to review records.

(6) If necessary and requested by the student, parent or guardian, qualified personnel to interpret records will be made available.

(c) Procedures for Inspection and Review of Educational Records

(1) The PSS's regulation permits parent/guardian and eligible students to inspect and review the education records of the student.

(2) After a request for access to records, the PSS will allow access within a reasonable period of time, but in no case more than five days after receipt of the request. All requests for access should be directed to the building administrator.

(3) After the parent/guardian or eligible student has had an opportunity to inspect and review the student's education records, the parent/guardian may make a request for explanations and interpretations of the records to building administrator. The PSS's designee shall respond to all reasonable requests for explanation or interpretation.

(4) The PSS will not destroy any education record if there is an outstanding request to inspect and review that record.

(5) The PSS may charge a fee for copies of education records that are made for a parent/guardian or eligible student, unless that fee would prevent a parent/guardian or eligible student from exercising their rights to inspect and review the student's education records. The PSS will not charge a fee to search for or retrieve a student's education records.

(6) If a student's education records contain information on more than one student, the parent/guardian or eligible student may inspect, review or be informed of only the specific information about that student.

(d) Procedures Regarding Disclosure of Personally Identifiable Information Where Consent Is Required

(1) Before the PSS discloses personally identifiable information from a student's records (other than directory information), the PSS will obtain a signed and dated written consent from the parent/guardian or eligible student. The written consent will specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or parties to whom disclosure may be made.

(2) If the parent/guardian or eligible student so requests, the PSS will provide him/her with a copy of the records disclosed.

(e) Disclosure of Personally Identifiable Information Where Consent Is Not Required. The PSS may disclose personally identifiable information from a student's education records without the written consent of the parent/guardian or eligible student in the following circumstances:

(1) Disclosure may be made to other school officials, including teachers, within the PSS whom the PSS has determined to have legitimate educational interests. The PSS designates the principal to make the determination as to whether a particular school official has a legitimate educational interest in accessing a student's education records. Before making the determination, the principal shall consult with the PSS legal counsel. Before obtaining access any student's education records, the school official seeking access must submit a written request to the principal. The request must include the student's name, the reason for the request, the school official's name and the date of the request. The PSS's designee must provide in writing whether the request was granted or denied and the reason for the decision. If the request is granted, the request and the designee's decision must be maintained with the student's education records.

(2) Disclosure may be made to officials of another school district or post secondary educational institution where the student seeks or intends to enroll.

(3) Disclosure may be made to authorized federal and state agencies and authorities.

(4) Disclosure of acts of school violence, as set forth in policy 2673, to PSS employees who are directly responsible for the student's education or who interact with the student in the performance of the employee's duties.

(5) Disclosure to appropriate staff members of portions of any student's individualized education program that is related to past or potentially future violent behavior.

(6) Disclosure to law enforcement officials, as soon as is reasonably practicable of the commission of the criminal acts listed in policy 2673.

(7) Disclosure to the appropriate division of the juvenile court of the suspension of more than ten days of any student under court jurisdiction.

(8) Disclosure of discipline records within five days to any requesting school district where the student seeks to enroll.

(9) Disclosure may be made if such disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility, amount of aid, condition for the aid, or to enforce the terms and conditions of the aid.

(10) Disclosure may be made to organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate or administer predictive tests; administer student aid

programs; or improve instruction, if the study is conducted in a way that does not permit personal identification of parent/guardian and students, and the information is destroyed when no longer needed for the purposes for which the study was conducted.

(11) Disclosure may be made to accrediting organizations to carry out their accrediting functions.

(12) Disclosure may be made to comply with a judicial order or lawfully issued subpoena and only after the PSS makes a reasonable effort to notify the parent/guardian or eligible student of the order or subpoena in advance of the compliance.

(13) Disclosure may be made where the disclosure is in connection with a health or safety emergency and the information is necessary to protect the health or safety of the student or other individuals.

(14) Disclosure may be made where the disclosure is of information the PSS has designated to be directory information.

(15) Disclosure may be made to the parent/guardian of a non-eligible student or to an eligible student.

(16) Disclosure may be made without the written consent of the parent/guardian or eligible student as otherwise may be specified by federal or state law.

(17) The PSS may disclose personally identifiable information from an education record only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior consent of the parent/guardian or eligible student. Each party to whom disclosure may be made under this policy must first sign a statement in which he/she agrees to abide by this provision and agrees to use the information disclosed only for the purposes for which the disclosure was made. This does not apply to disclosures of directory information or to any information that the PSS is required to disclose.

(f) The Division of Youth Services (DYS) Access to Student Records. Pursuant to 1 CMC § 2378 the Division of Youth Services (DYS) shall have access to student records with or without the consent or authorization of the student's parent/guardian if that student is a minor, or the consent of the student if that student is eighteen years of age or older. Provided however, that the DYS shall, in writing:

(1) Demonstrate its interest in the student record.

(2) Specify the particular record or information requested.

(3) List the name or names of agency personnel authorized to have access to information being sought.

(g) Procedures to Request Amendment of a Student's Educational Records

(1) If a parent/guardian or eligible student believes the education records for that student contain information that is inaccurate, misleading, or in violation of the student's rights of privacy or other rights, he/she may ask the PSS to amend the record. All such requests should be directed to the building administrator.

(2) The PSS's designee, in consultation with the administration or Board of Education as needed, shall decide whether to amend the record as requested within a reasonable time after the request.

(3) If the PSS's designee decides not to amend the record, he/she shall inform the parent/guardian or eligible student of that decision and of their right to request a hearing.

(4) If a hearing is requested, the PSS will hold the hearing within a reasonable time after it has received the request and will give the parent/guardian or eligible student reasonable advance notice of the date, time and place of the hearing. Any individual, including an employee of the PSS, who does not have a direct interest in the outcome of the hearing, may conduct the hearing. The PSS will give the parent/guardian or eligible student a full and fair opportunity to present evidence relevant to the issue(s) raised by the parent/guardian or eligible student's request. The parent/guardian or eligible student may, at their own expense, be assisted or represented at the hearing by any individual of their choice, including an attorney.

(5) The PSS will make its decision in writing within a reasonable period of time after the hearing. The decision will be based solely on the evidence presented at the hearing, and will include a statement of the evidence and the reasons for the decision.

(i) If the PSS decides, as a result of the hearing, that the information is inaccurate, misleading or violates the student's rights, the PSS shall amend the record and inform the parent/guardian or eligible student of the amendment in writing.

(ii) If the PSS decides, as a result of the hearing, that the information is not inaccurate, misleading, or otherwise in violation of the student's rights, the PSS shall inform the parent/guardian or eligible student of that decision and shall inform the parent/guardian or student of his/her right to place a statement in the record commenting on the contested information or stating why he/she disagrees with the PSS's decision, or both. If the parent/guardian or eligible student submits such a statement, the PSS will maintain that statement with the student's education records as long as the record is maintained and will disclose the statement whenever it discloses the portion of the record to which the statement relates.

(h) Record Keeping Procedures

(1) The PSS will maintain a record of each request for access to and each disclosure of personally identifiable information from the educational records of each student. The building administrator or designee will be responsible for keeping such records of requests and disclosures.

(2) The PSS will maintain the record of each request and disclosure with the educational records of the student as long as the records are maintained by the PSS.

(3) For each request or disclosure, the PSS's record will include the parties who have requested or received personally identifiable information from educational records and the legitimate interests the parties had in requesting or obtaining the information.

(4) If the PSS discloses personally identifiable information from an educational record under the exceptions enumerated in the earlier sections, the PSS will record the names of those persons to whom that party may disclose the information on behalf of the PSS and the legitimate interests which each of the additional parties has in requesting or obtaining the information.

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

### **LAWS**

No relevant laws found.

### **REGULATIONS**

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

(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:

(8) To appraise and review its policies and actions and the program of education and the performance of the staff.

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

(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.

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

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

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Certification or training**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

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

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

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

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

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.

### **Funding appropriations**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

No relevant regulations found.



## ***Other or Uncategorized***

### **Professional immunity or liability**

#### **LAWS**

No relevant laws found.

#### **REGULATIONS**

##### **§ 60-20-540. Library, media, and technology services; student Internet usage.**

(f) Limitation of Liability. PSS makes no guarantee that the functions or the services provided by or through the PSS system will be error-free or without defect. PSS will not be responsible for any damage you may suffer, including but not limited to, loss of data or interruptions of service. PSS is not responsible for the accuracy or quality of the information obtained through or stored on the system. PSS will not be responsible for financial obligations arising through the unauthorized use of the system.

### **Community input or involvement**

#### **LAWS**

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

(a) The Board of Education shall establish a School Attendance Review 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**

No relevant regulations found.

## Other or Uncategorized

### LAWS

No relevant laws found.

### REGULATIONS

#### **§ 60-20-460. Closed campus.**

(a) Students may not leave school grounds from the time of their arrival until the time they leave at the end of the day unless they have written permission from a parent/ guardian, a signed liability waiver form suitable to the Commissioner and the permission of the principal/ designee.

(b) "Parent/guardian" shall mean the person designated as such in the student's school registration materials.

#### **§ 60-20-540. Library, media, and technology services; student Internet usage.**

The CNMI - Public School System (PSS) is now offering internet access for student use. This section contains the acceptable use regulations for your use of Public School System Educational Systems Network (PSS-ESN).

##### (a) Educational Purpose

(1) PSS-ESN has been established for a limited educational purpose. The term "educational purpose" in this policy and regulations includes classroom activities, career development, and limited high-quality self- discovery activities.

(2) PSS-ESN has not been established as a public access service or a public forum. PSS has the right to place reasonable restrictions on the material you access or post through the system. You are also expected to follow the rules set forth in (disciplinary code)\* and the law in your use of PSS-ESN.

(3) You may not use PSS-ESN for commercial purposes. This means you may not offer, provide, or purchase products or services through PSS-ESN.

(4) You may not use PSS-ESN for political lobbying. But you may use the system to communicate with elected representatives and to express your opinion on political issues.

##### (b) Student Internet Access

(1) The PSS acceptable use policy, set forth will govern all use of the PSS-ESN. The student code of conduct will also govern student use of the system. Employee use will also be governed by (PSS policy, collective bargaining agreement).

(2) Classroom Accounts. Elementary age students will be granted e-mail access only through a classroom account. Elementary students may be provided with an individual account under special circumstances at the request of their teacher and with the approval of their parent. An agreement will only be required for an individual account, which must be signed by the student and his or her parent. Parents may specifically request that their child(ren) not be provided access through the classroom account by notifying the PSS in writing (or whatever procedure the PSS uses for other permissions).

(3) Individual E-mail Accounts for Students. Secondary students may be provided with individual e-mail accounts. Secondary students may have dial-up access to the system. An agreement will be required for an individual e-mail account. The student and his or her parent must sign this agreement.

(4) All students will have access to internet world wide web information resources through their classroom, library, or school computer lab.

(5) Students will have e-mail access only under their teacher's direct supervision using a classroom account. Students may be provided with individual e-mail accounts under special circumstances, at

the request of their teacher and with the approval of the school principal and the student's parent/guardian.

(6) You and your parent/guardian must sign an account agreement to be granted an individual e-mail account on PSS-ESN. The agreement will not exceed a year in duration, but may be renewed on an annual basis. Your parent can withdraw their approval at any time.

(7) If approved by your school principal, you may create a personal web page on PSS-ESN. All material placed on your web page must be pre-approved in a manner specified by the school. Material placed on your web page must relate to your school and career preparation activities.

(c) Parental Notification and Responsibility

(1) The PSS will notify the parents about the PSS network and the policies governing its use. Parents must sign an agreement to allow their student to have an individual account. Parents may request alternative activities for their child(ren) that do not require internet access.

(2) Parents have the right at any time to investigate the contents of their child(ren)'s e-mail files. Parents have the right to request the termination of their child(ren)'s individual account at any time.

(3) The PSS acceptable use policy contains restrictions on accessing inappropriate material. There is a wide range of material available on the internet, some of which may not be fitting with the particular values of the families of the students. It is not practically possible for the PSS to monitor and enforce a wide range of social values in student use of the internet. Further, the PSS recognizes that parents bear primary responsibility for transmitting their particular set of family values to their children. The PSS will encourage parents to specify to their child(ren) what material is and is not acceptable for their child(ren) to access through the PSS-ESN.

(4) The PSS will provide students and parents with guidelines for student safety while using the internet.

(5) (Optional, if dial-up access is provided) Parents are responsible for monitoring their student's use of the internet when they are accessing the system from home.

(d) Unacceptable Uses. The following uses of PSS-ESN are considered unacceptable:

(1) Personal Safety

(i) You will not post personal contact information about yourself or other people. Personal contact information includes your address, telephone, school address, work address, etc.

(ii) You will not agree to meet with someone you have met online without your parent's approval. Your parent should accompany you to such a meeting.

(iii) You will promptly disclose to your teacher or other school employee any message you receive that is inappropriate or makes you feel uncomfortable in any way.

(2) Illegal Activities

(i) You will not attempt to gain unauthorized access to PSS-ESN or to any other computer system through PSS-ESN or go beyond your authorized access. This includes attempting to log in through another person's account or access another person's files. These actions are illegal, even if only for the purposes of "browsing."

(ii) You will not make deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or by any other means. These actions are illegal.

(iii) You will not use PSS-ESN to engage in any other illegal act, such as arranging for a drug sale or the purchase of alcohol, engaging in criminal gang activity, threatening the safety of person, etc.

(3) System Security

- (i) You are responsible for your individual account and should take all reasonable precautions to prevent others from being able to use your account. Under no conditions should you provide your password to another person.
- (ii) You will immediately notify a teacher or the school system administrator if you have identified a possible security problem. Do not go looking for security problems, because this may be construed as an illegal attempt to gain access.
- (iii) You will avoid the inadvertent spread of computer viruses by following the district virus protection procedures if you download software.

#### (4) Inappropriate Language

- (i) Restrictions against inappropriate language apply to public messages, private messages, and material posted on web pages.
- (ii) You will not use obscene, profane, lewd, vulgar, rude, inflammatory, threatening, or disrespectful language.
- (iii) You will not post information that could cause damage or a danger of disruption.
- (iv) You will not engage in personal attacks, including prejudicial or discriminatory attacks.
- (v) You will not harass another person. Harassment is persistently acting in a manner that distresses or annoys another person. If you are told by a person to stop sending them messages, you must stop.
- (vi) You will not knowingly or recklessly post false or defamatory information about a person or organization.

#### (5) Respect for Privacy

- (i) You will not repost a message that was sent to you privately without permission of the person who sent you the message.
- (ii) You will not post private information about another person.

#### (6) Respecting Resource Limits

- (i) You will use the system only for educational and career development activities and limited, high-quality, self-discovery activities. There is no limit on use for education and career development activities. The limit on self-discovery activities is no more than 5 hours per week.
- (ii) You will not download large files unless absolutely necessary. If necessary, you will download the file at a time when the system is not being heavily used and immediately remove the file from the system computer to your personal computer.
- (iii) You will not post chain letters or engage in "spamming." Spamming is sending an annoying or unnecessary message to a large number of people.
- (iv) You will check your e-mail frequently, delete unwanted messages promptly, and stay within your e-mail quota.
- (v) You will subscribe only to high quality discussion group mail lists that are relevant to your education or career development.

#### (7) Plagiarism and Copyright Infringement

- (i) You will not plagiarize works that you find on the internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were yours.
- (ii) You will respect the rights of copyright owners. Copyright infringement occurs when you inappropriately reproduce a work that is protected by a copyright. If a work contains language that specifies appropriate use of that work, you should follow the expressed requirements. If you are

unsure whether or not you can use a work, you should request permission from the copyright owner. Copyright law can be very confusing. If you have questions ask a teacher.

(8) Inappropriate Access to Material

(i) You will not use PSS-ESN to access material that is profane or obscene (pornography), that advocates illegal acts, or that advocates violence or discrimination towards other people (hate literature). A special exception may be made for hate literature if the purpose of your access is to conduct research and both your teacher and parent have approved.

(ii) When you mistakenly access inappropriate information, you should immediately tell your teacher or school administrator (or disclose this access in the manner specified by your school). This will protect you against a claim that you have intentionally violated this section.

(iii) Your parents should instruct you if there are additional materials that they think are inappropriate for you to access. You and your parent/guardian should inform your teacher of such materials. PSS fully expects that you will follow your parent's instructions in this matter.

(9) Consequences or Unacceptable Uses

(i) Your classroom teacher, your school administrator, or the PSS Technology Coordinator may revoke your privileges under this policy for any unacceptable uses, including uses not specifically listed herein.

(ii) Unacceptable uses by a student may result in disciplinary action, including suspension or expulsion.

(iii) Any illegal uses may be reported to the Department of Public Safety or the Federal Bureau of Investigations.

(e) Your Rights

(1) Free Speech. Your right to free speech applies to your communication on the internet. The exercise of your free speech rights may not disrupt the educational process. The PSS-ESN is considered a limited forum, similar to the school newspaper, and therefore PSS may restrict your speech for valid educational reasons. PSS will not restrict your speech on the basis of a disagreement with the opinions you are expressing.

(2) Searches and Seizure

(i) You should expect only limited privacy in the contents of your personal files on the PSS system. The situation is similar to the rights you have in the privacy of your locker.

(ii) Routine maintenance and monitoring of PSS-ESN may lead to discovery that you have violated this section, the student disciplinary code, or the law.

(iii) An individual search will be conducted if there is reasonable suspicion that you have violated this section, the student disciplinary code, or the law. The investigation will be reasonable and related to the suspected violation.

(iv) Your parents have the right at any time to request to see the contents of your e-mail files.

(3) Due Process

(i) PSS will cooperate fully with local, state, or federal officials in any investigation related to any illegal activities conducted through PSS-ESN.

(ii) In the event there is a claim that you have violated this section or student disciplinary code in your use of the PSS-ESN, you will be provided the due process and hearing rights set forth in the student disciplinary regulations. Additional restrictions may be placed on your use of your internet account.

(f) Limitation of Liability. PSS makes no guarantee that the functions or the services provided by or through the PSS system will be error-free or without defect. PSS will not be responsible for any damage you may suffer, including but not limited to, loss of data or interruptions of service. PSS is not responsible for the accuracy or quality of the information obtained through or stored on the system. PSS will not be responsible for financial obligations arising through the unauthorized use of the system.

(g) Personal Responsibility. When you are using the PSS-ESN, it may feel like you can more easily break a rule and not get caught. This is not really true because whenever you do something on a network you leave little “electronic footprints,” so the odds of getting caught maybe even more likely than they are in the real world. But the fact that you can do something or think you can do something without being caught does not make it right to do so. Even if you don't get caught, there is always one person who will know whether you have done wrong - and that person is you. Your use of the internet can be a mirror that will show you what kind of a person you are. Please enjoy learning from your internet access but remember to use this privilege wisely.

## ***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><i>Website</i></b>		
No relevant websites found		
<b><i>Documents</i></b>		
No relevant resources found		
<b><i>Other Resources</i></b>		
No relevant resources found		