

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 5: JUVENILE JUSTICE

§ 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

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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.

Source: PL 16-47, § 20, modified.

Commission Comment: The Commission changed the order of this section from its original placement in PL 16-47; replaced "this law" with "this chapter;" replaced "this section 20" with "this section;" and replaced "irregularly" with "irregular" pursuant to 1 CMC § 3806(b), (d) and (g).