

POLICY

SOMERSET COUNTY BOARD OF EDUCATION

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Subject: Student Gang, Gang Activity or Similar Destructive or Illegal Group Behavior	Date Approved: June 14, 2011 March 20, 2012 August 19, 2014 Date Effective: June 14, 2011 March 20, 2012 August 19, 2014

1. PURPOSE

Somerset County Board of Education is committed to providing **all** students with a safe, nurturing, and supportive learning environment that promotes optimal academic achievement. It is the policy of Somerset County Board of Education to prohibit students to engage in gangs, gang activity, and similar destructive or illegal group behavior in schools, on school buses, and/or at school sponsored activities. The Board prohibits reprisal or retaliation against an individual who reports suspected gang activity.

2. DEFINITIONS

- A. **Gang “Criminal Gang”** – a group or association of three or more persons whose members:
- 1) Individually or collectively engage in a pattern of criminal activity;
 - 2) Have one of their primary objectives or activities the commission of one or more underlying crimes, including acts by juveniles that would be underlying crimes if committed by adults; and,
 - 3) Have in common an overt or covert organizational or command structure (Criminal Law § 9-801. Definitions, Annotated Code).
- B. **Gang Activity “Pattern of Criminal Activity”**– the commission of, attempted commission of, conspiracy to commit, or solicitation of two or more underlying crimes or acts by a juvenile that would be an underlying crime if committed by an adult.
- a) **Activities on or near school vehicles or property** – A person may not threaten an individual, or a friend or family member of an individual with use of physical force or violence to coerce, induce, or solicit the individual to participate in or prevent the individual from leaving a criminal gang: (1) in a school vehicle, as defined under §11-154 of the Transportation Article; or (2) in, or within 1,000 feet of real property owned or leased to an elementary school, secondary school, or county board of education and used for elementary or secondary education.
 - (b) **Applicability** – Subsection (a) of this section applies whether or not: (1) school was in session at the time of the crime; or (2) the real property was being used for purposes other than school purposes at the time of the crime.
(Criminal Law §9-803. Criminal gang activity - Schools, Annotated Code)

- C. **School Security Officer (SSO)** – A school principal, another school administrator, a law enforcement officer, or other individual employed by a local school system or a local government who is designated by the county superintendent or his or her designee to help maintain the security and safety of a school. SSO **may not** include a teacher or non-instructional staff such as school counselor, school psychologist, school social worker, or pupil personnel worker.
- D. **Reportable Offense** – A crime of violence and any enumerated offenses reported as defined in Education §7-303, Arrest for reportable offense, Annotated Code (see administrative procedures #600-43 ap).
- E. **Confirmed Gang Member** – A person validated by the local police departments.

3. **GUIDELINES**

- A. The Superintendent or designee shall ensure professional development is provided to all *school employees including contracted staff* and students to increase awareness of the prevalence, causes, and consequences of gangs, gang activity, and similar destructive or illegal group behavior. Staff will be provided with information on identifying gangs, gang activity behaviors, prevention, intervention/remediation, and consequences. Substitute teachers shall receive the portions of this training relevant to them during their orientation. All employees will be informed of the reporting process and their roles and responsibilities under this policy. Any employee, who has knowledge of gangs, or gang activity, similar destructive or illegal group behaviors and does not report it to the principal or designee, will be subject to disciplinary action. School administrators or designee will ensure that the “*Gang-related Incident Reporting forms*” are available in the school’s main office, counselor’s office, and other locations determined by them.
- B. Students will be provided with age appropriate information on the recognition and prevention of gangs, gang related activity, similar destructive or illegal group behavior and their rights and responsibilities under this and other district policies during student orientation sessions on an as needed basis. Parents shall be provided with copies of this policy and procedures and appropriate materials on recognition and prevention of gang related activities or similar destructive or illegal group behavior (see AP 600-43).

Prevention, Intervention, Remediation, and Consequences

This policy recognizes that the prohibition of gang activity in schools and retaliation against individuals, who report acts of gangs, as well as consequences and remedial actions, cannot be effective unless they are a part of a school-wide program.

Prevention will include but is not limited to:

- Professional development for all school employees annually
- Include School-wide evidence-based gang program to address gangs, gang activity

and similar destructive or illegal group behaviors in schools as part of the positive behavior intervention and supports initiative as needed through a collaboration with community partners

- Gang prevention efforts, peer support, mutual respect, and a culture which encourages students to report incidents of gang activity to adults.
- An educational gang awareness program for students, staff, volunteers and parents through a collaboration with law enforcement, mental health providers, and other community partners.

Intervention/Remediation will include but is not limited to:

- The principal or designee shall provide education/intervention for students exhibiting gang like behaviors, as well as measures designed to correct the inappropriate behavior, attempt to prevent future occurrences and protect the victim.
- Consequences and remedial actions for persons engaged in gang activity or similar destructive or illegal group behaviors or persons who have made false accusations should be consistently and fairly applied after a thorough investigation has determined a confirmed offense has occurred
- Confirmed gang activity, and similar destructive or illegal group behavior will result in consequences consistent with the board of education policy 600-17.

4. REPORTING PROCEDURES:

The Board of Education desires to have concerns resolved quickly and decisively. Students who are concerned about gangs, gang activity, or illegal group behaviors are encouraged to act promptly to make an attempt to resolve the concern.

- A. The student should immediately inform a teacher, school counselor, an administrator, or any staff member of the situation. If a student expresses a desire to discuss an incident of gang activity with a staff member, the staff member will make an effort to provide the student with a practical, safe, private, and age appropriate way of doing so.
- B. All School employees must report any incident of suspected gang activity or similar illegal group behavior to the Principal or school security officer.
- C. If a student, parent, or guardian, or other person informs a school employee about any gang related activity, similar destructive or illegal group behaviors, the school employee must report that information to the principal or school security officer.
- D. The administrator or their designee should promptly have a student complete a “Gang-Related Incident Reporting Form” (see administrative procedure) and investigate to determine the validity of the allegations and then notify parents of the situation immediately.
- E. Upon receipt of a “Gang-Related Incident Report”, the principal or designee shall initiate an investigation within 24 hours. If the report is of a high level of severity (criminal activity, imminent danger, etc.) the investigation shall be initiated immediately but no later than 24 hours.

- F. Individuals knowingly making a false report will be subject to the range of consequences under policy # 600-17, Student Discipline .
- G. Administrators and/or their designee are required to keep accurate documentation of all gang related reports. All schools shall maintain a gang reporting file by school year of notifications received from students, courts, law enforcement, and the State's Attorney's Office. The principal or designee shall maintain original gang reports and related information in a secure file and **shall not** be a part of a student's educational record.

The Student Services department will be notified of any complaint that cannot be resolved at the school level. Principals or the designee should send a copy of all reports of allegations of gangs, gang activity, or illegal destructive behavior to the Student Services office.

5. Sharing Information :

- A. The Superintendent or designee shall share the information on arrests, dispositions, and reports about gang-related activity with the principal so that he/she may share it with staff in the school in which the student is enrolled for use in providing the student an appropriate educational program.
- B. The Principal or designee shall meet regularly with the school counselor (s) or learning support specialist to share information about gang-related activity in general to discuss the educational plan for and progress of each student who has been arrested or adjudicated delinquent for gang-related activity or who has been named in an accurate reliable report of gang-related activity.
- C. The principals of middle and high schools shall meet twice a year with the stakeholders (i.e., law enforcement) to review the effectiveness of their gang prevention and intervention strategies, and programs to ensure coordination of gang prevention, intervention, and suppression efforts.
- D. The superintendent should designate a point of contact for information received from the police, State's Attorney, or courts, which can transmit the information to others as allowed by the Safe Schools Act of 2010. The Superintendent should inform those agencies of the designated point of contact.
- E. The information received about arrests, dispositions, and/or delinquency adjudication is confidential information and shall not be made a part of the student's educational record. **If the allegation is unsubstantiated, the record should be destroyed immediately.**
- F. The Superintendent must enter into a memorandum of understanding with the local State's Attorney's Office to foster coordination of gang prevention, intervention, and suppression efforts.
- G. The Superintendent of Schools or designee must require regular school security meetings with various stakeholders for each school to ensure coordination of gang prevention, intervention, and suppression efforts.

6. DISCIPLINE:

Students and others engaging in these behaviors on school property, on school buses, or at

school related activities are subject to disciplinary and /or legal action. Acts that are committed off of school property but disrupts the learning environment and/or the safety of students during the school day may also be subject to disciplinary and/or legal action. Any action taken against individuals found to have committed acts of gang activity, similar destructive or illegal group behavior, engaged in reprisal or retaliation, and for persons found to have made false accusations will be consistent with *Somerset Board Policy #600-17, Student Discipline* . Consequences may include but are not limited to: denial of school privileges (i.e., after school events, field trips, ceremonies such as graduation, etc), parent conference, in-school suspension, verbal reprimand, reassignment of classes, reassignment of bus, out of school suspension, and referral to law enforcement. Additionally, third party individuals who participate in gang activity (on behalf of the initial harasser) and retaliate against any witness will be subjected to the same disciplinary procedures and consequences as the harasser.

Student with Disabilities (see policy 500-17):

A. Removal of a Student with a Disability for not More than 10 Consecutive School Days

- (1) A Student with a disability may be removed from the student's current placement for not more than 10 consecutive school days for any violation of school rules to the same extent that removal is applied to students without disabilities.
- (2) Unless it is determined that the removal constitutes a change of placement as described:
 - a) Removed from the student's current placement for more than 10 consecutive school days; or
 - b) Subjected to a series of removal that constitutes a pattern of removal that accumulates to more than 10 school days in a school year.

A student with disability may be removed:

- (1) To an alternative educational setting;
 - (2) To another setting; or
 - (3) By suspension.
- c) A public agency is not required to provide services to a student with a disability if services are not provided to students without disabilities.

B. Removal of a Student with a Disability for More than 10 School Days.

- (1) A student with a disability may be removed from the students' current placement for up to 10 consecutive school days for each incident of misconduct in a school year if the cumulative effect if the removal does not constitute a change of placement.
- (2) School personnel may consider any unique circumstance on a case-by-case basis when determining whether a change in placement is appropriate for a student with a disability who violates a code of student conduct.

- (3) For each period of removal after a student with a disability has been removed for the cumulative equivalent of 10 school days in a school year, school personnel shall consult with at least one of the student's teachers to determine what services to provide to enable the student to appropriately:
 - (a) Progress in the general curriculum; and
 - (b) Advance toward achieving the goals of the student's IEP.
- (4) A student with a disability may be removed for more than 10 consecutive school days for a violation of school rules to the same extent removal is applied to students without disabilities if the student's IEP team determines that the behavior subject to the removal is not a manifestation of the student's disability.
- (5) A student with a disability removed shall:
 - (a) Continue to receive educational services in another setting, so as to enable the student to continue to participate in the general education curriculum and progress toward meeting the goals set out in the student's IEP; and
 - (b) Receive, as appropriate, a functional behavioral assessment and behavioral intervention services and modifications designed to address the behavior violation to prevent its recurrence.

7. SUPPORT SERVICES:

There are numerous support services available to the student and families at a school and/or in the community. These services include counseling, conflict resolution, social skills/competency training, assigned mentors, as well as specialized support through the department of juvenile services, law enforcement agencies, faith-based services, multi-service centers, and youth development agencies. Each school principal or designee will publish a list of support services that are available at their particular school and/or community.

8. EVALUATION:

The Superintendent or designee will convene an ad hoc committee composed of representatives of certification/classified staff, volunteers, students, parents, and community members to review the effectiveness of this policy and procedures periodically. Based upon the review of the committee, the Superintendent may prepare a report to the Board including, if necessary, any recommended policy changes.