

Policy

GANG POLICY

For purposes of this policy "gang" is defined as:

"Three or more people who are associated in fact, that is, people who have a common group name, identifying sign, tattoos or other indicator of association and who have engaged in criminal offenses while engaged in gang related activity". (N.J.S.A. 2C:44-3h)

The Ventnor Board of Education recognizes that a school campus is a place that has appropriate rules and regulations to ensure a safe and healthy environment, which is conducive to learning for all students. All persons shall be knowledgeable of the conduct and expectations on which the Ventnor School District operates.

It is the policy of this district that membership or affiliation in secret fraternities or in other clubs or gangs not sponsored by established agencies or organizations and recognized by this district is strictly prohibited.

Gang members who initiate, advocate, or promote activities, openly or otherwise, which threaten the safety or well-being of persons or property, which disrupt the school environment and/or harmful to the educational process will be dealt with as if they committed an offense of the most serious category.

The use of hand signals, written or oral comments, stances, stares, graffiti or the presence or use of any apparel, jewelry, accessory or manner of grooming which, by virtue of its color, arrangement, trademark, symbol or any other attribute which indicates or implies membership or affiliation with a gang or group, whether real or implied, present a clear and present danger to the school environment, its staff and students, and the educational objectives of the community and State and is strictly prohibited.

Any incident involving initiations, intimidation and/or related activity of such gangs affiliates will hereby be considered actions which present the danger or likelihood of bodily danger, physical harm or person degradation or disgrace resulting in physical or mental harm to students or staff and is strictly prohibited.

Any person wearing, carrying, distributing, displaying gang/group paraphernalia; exhibiting behavior or gestures which symbolize gang/group membership; or causing and/or participating in activities which intimidate or affect the attendance or sense of personal safety or well-being of another student or staff member will be subject to disciplinary action including suspensions and/or permanent expulsions.

Delegation of Responsibility

The principal of each district school shall ensure that:

- A. The chief school administrator is notified of any and all gang related activity and any activity or behavior identified herein.
- B. Gang affiliation and activities are included in printed rules and regulations provided to staff, students and parents and posted on the district website.
- C. Students identified as possibly involved in gang-related activities, receive counseling to enhance self-esteem, encourage interest and participation in wholesome activities, and promote membership in authorized student organizations.

GANG POLICY (continued)

- D. Parents/Guardians will be notified of the school's concerns.
- E. Staff in-service training regarding gang activities, methods of operation and current methods of identification shall be presented and made available to staff.
- F. All gang affiliation or gang type incidents are referred to the appropriate law enforcement agency.
- G. Affiliation with a gang, gang activities or claiming gang membership by students is considered exceptional misconduct and subject to penalties that may include suspension or expulsion.
- H. Any student disciplined for gang activities or affiliation may be required to sign a negotiated behavior contract between the student, parent and administrator before he/she will be re-admitted.
- I. Building administrators have the authority to reduce long-term suspension to a shorter duration provided the building administrator is convinced that a plan is in progress which will result in elimination of future involvement with gangs.

Students who have been expelled or suspended for gang-related activities may be subject to emergency expulsion and may lose their right to remain in school during the appeal process.

Gang Contract

The gang contract gives administration the ability to take a clear, proactive stance toward gangs and gang activity in their school. Creating a detailed gang policy is a required first step in creating an anti-gang school environment. The policy should, at a minimum, define both gangs and gang members, what gang behavior is not acceptable on school grounds and procedures to be taken in the event there is a breach of policy.

The gang policy contract is used when a student is engaging in gang related activity on school grounds or at school sponsored events. The contract allows the school administrators to specifically point out what behavior is not acceptable at the school. Further, a parent or guardian is usually required to meet with both the school administrator and the student to discuss the school's findings and courses of action before the student is allowed back into school. Local law enforcement shall be actively involved at all points of this process.

Adopted: August 27, 2003
 NJSBA Review/Update: November 2010
 Renumbered/Readopted: July 25, 2014

Key Words

Gangs, Discipline, Student Conduct, Student Conduct, Weapons, Vandalism, Harassment, Intimidation, Bully, Bullying,

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:12-1 Definition of assault
N.J.S.A. 2C:33-19 Paging devices, possession by students
N.J.S.A. 2C:39-5 Unlawful possession of weapons
N.J.S.A. 18A:6-1 Corporal punishment of students
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:25-2 Authority over students
N.J.S.A. 18A:36-19a Newly enrolled students; records and identification
N.J.S.A. 18A:37-1 et seq. Discipline of Students
See particularly:
N.J.S.A. 18A:37-15

GANG POLICY (continued)

<u>N.J.S.A.</u> 18A:40A-1 <u>et seq.</u>	Substance Abuse
<u>N.J.S.A.</u> 18A:54-20	Powers of board (county vocational schools)
<u>N.J.A.C.</u> 6A:14-2.8	Discipline/suspension/expulsions
<u>N.J.A.C.</u> 6A:16-1.1 <u>et seq.</u>	Programs to Support Student Development
<u>See particularly:</u>	
<u>N.J.A.C.</u> 6A:16-1.4,-2.4	
-4.1, -5.1, -6.1, -6.2,	
-7.1 through -7.6	
<u>N.J.A.C.</u> 6A:32-12.1	Reporting requirements
<u>N.J.A.C.</u> 6A:32-12.2	School-level planning

P.L. 2007, c. 129, amends N.J.S.A. 18A:37-15 and includes electronic communication in the definition of public school "harassment, intimidation or bullying"

20 U.S.C.A. 1415(k) Individual with Disabilities Education Act Amendments of 1997

Bethel School District No. 403, v. Fraser, 478 U.S. 675 (1986)

Hazelwood v. Kuhlmeier 484 U.S. 260 (1988)

Honig v. Doe, 484 U.S. 305 (1988)

See also Commissioners' Decisions indexed under "Students – Punishment of" in Index to N.J. School Law Decisions

No Child Left Behind Act of 2001, Pub. L. 107-110, 20 U.S.C.A. 6301 et seq.

L.W. v. Toms River Regional Schools Board of Education, N.J., No. A-111-05 (Feb. 22, 2007), 2007 N.J. LEXIS 184. The New Jersey Supreme Court ruled that a school district may be held liable under the New Jersey Law Against Discrimination (LAD), N.J.S.A. 10:5-1 to -49, when students harass another student because of his perceived sexual orientation. A district school will be liable for such harassment if it knew or should have known of the harassment but failed to take reasonable remedial actions. The matter was remanded to the Director of the Division on Civil Rights.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

<u>Cross References:</u>	*1220	<u>Ad hoc</u> advisory committees
	*1410	Local units
	3517	Security
	*3541.33	Transportation safety
	*4131/	Staff development; inservice education/visitation conferences
	4131.1	
	4148	Employee protection
	*4231/	Staff development; inservice education/visitation conferences
	4231.1	
	4248	Employee protection
	5000	Concepts and roles in student personnel
	5010	Personal goals and objectives for students
	*5020	Role of parents/guardians
	*5113	Absences and excuses
	*5114	Suspension and expulsion

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*5124	Reporting to parents/guardians
*5127	Commencement activities
*5131.5	Vandalism/violence
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
5132	Dress and grooming
5145	Rights
5145.2	Freedom of speech/expression
*5145.4	Equal educational opportunity
*5145.6	Student grievance procedure
*5145.11	Questioning and apprehension
*5145.12	Search and seizure
*6145	Extracurricular activities
*6164.4	Child study team
*6171.4	Special education
*6172	Alternative educational programs

*Indicates policy is included in the Critical Policy Reference Manual.

Form

GANG/BEHAVIOR CONTRACT

Student Name _____

Date _____

Contract Conditions and Expectations:

_____ is not to wear any gang-affiliated clothing to school.

_____ is not to associate with any known or suspected gang affiliates while in school or at school-related activities.

_____ is to refrain from all harassing behaviors while attending the Ventnor Educational Community Complex and any related school activities.

_____ is expected to refrain from all gang-related activity while a Ventnor Educational Community Complex student. This includes writing in gang style script, hand signs, stances, slang talk, and other identified gang behaviors.

_____ must comply with all school policies regarding attendance and disciplinary procedures.

These terms are specified for the purpose of providing a safe and orderly environment for both _____ and all Ventnor Educational Community Complex students so that they may be permitted to achieve their maximum educational potential.

I understand the above conditions and understand the consequences of failing to abide by the conditions outlined above. Any violations of this contract will subject me to suspension, up to and including the remainder of the school year.

Student (Print Name)

Student (Sign Name)

Parent (Print Name)

Parent (Sign Name)

Date

Administrator

Copies provided to: Student
 Parent/Guardian
 Administrators
 Law Enforcement (VCPD, County Prosecutor)
 Counselor (if applicable)
 CST Supervisor