

REGULATION JICF

Las Cruces Public Schools

Related Entries: JICF, JI, JI-R, JICH, JICH-R, JIH, JIH-R, JICK, JICK-R, JK, JK-R, JKD, KJD-R
Responsible Office: Deputy Superintendent

VIOLENT, GANG, AND/OR GANG-LIKE ACTIVITIES

I. PURPOSE

The purpose of this regulation is to establish fair and consistent school district procedures to ensure that all LCPS students who are involved in violent, gang, and/or gang-like activities are subject to appropriate disciplinary actions.

II. BACKGROUND

Las Cruces Public Schools is committed to maintaining campuses and other district properties that are safe for students, staff, and community members.

III. DEFINITIONS

A. *“Gang” means* any combination of persons, organized formally or informally, which:

1. Has a common or identifying symbol,
2. Has particular conduct, status and customs indicative of it, and
3. Has, as one of its common activities, the commission of illegal acts or violation of LCPS policies.

B. *“Weapon” means* in accordance with the Federal Gun Free Act, a *weapon*, as set forth in Section 22-5-4.7 NMSA 1978, is any device, instrument, material, or substance, animate or inanimate, that is used for, or is readily capable of, causing death or serious bodily injury. The term “weapon” shall also include, but is not limited to:

1. any firearm that is designed to may readily be converted to or will expel a projectile by the action of an explosion, compressed gas, or by any other means of propulsion at high speed sufficient to cause significant injury or damage. A “firearm” or “gun” also includes any look-alike device, such as a starter gun, that by its appearance may be used to intimidate or frighten.
2. any explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine or similar device.

3. any knife, including all pocket knives or other knives, regardless of length of blade.
4. any other item or device which may be used as a weapon, even if manufactured for a nonviolent purpose, that have a potentially violent use, including, but not limited to, air guns, paint guns, nunchucks, Chinese stars, or any “look-a-like” objects that resemble objects that have a potentially violent use, if, under the surrounding circumstances, the purpose of keeping or carrying the objects is for use, or threat of use, as a weapon.

All weapons, whether or not listed here, are similarly prohibited. The use of any normally non-dangerous device such as a stone, table fork, board, stick, or baseball bat as a weapon, shall come under the provisions of this section.

- C. *“Gang-like activities” means* a pattern of prohibited behavior by a student gang member or members, on or near school grounds, activities or vehicles, around the commission of, attempted commission of, conspiracy to commit, or solicitation to commit acts which disrupt the educational environment or the orderly operation of the school.
- D. *“Gang membership” means* an organization, which includes but is not limited to “public fraternity, sorority, secret society, or gang,” that is comprised wholly or in part of students who seek to perpetuate the gang by taking in additional members from students enrolled in school, with the intent of participating in any illegal or criminal activity.
- E. *“Minor violations” means* violations as determined by the building principal that do not require any form of student behavior contract being issued.
- F. *“Major violations” means* major school policy violations which student behavior contracts are issued.
- G. *“Possession” means* having a weapon on one’s person or in an area subject to one’s control in a school location. (A student who finds a weapon on the way to school or in a school building or on school property, or a student who discovers that he/she unintentionally has a weapon in his/her possession, and takes the weapon immediately to the principal’s office shall not be considered to possess a weapon.)
- H. *“School location” means* a school building, school grounds, school activities or trip destinations, bus stops, school buses or school vehicles, school-contracted vehicles, the area of entrance or departure from school premises or events, and all school-related function settings.
- I. *“School zone” means”* any area on the grounds of a school or within a distance of 1,000 feet from the grounds of the school.

- J. *“Simulated weapons” means* items that include, but are not limited to, any “toy” or nonfunctional device that bears a substantial visual resemblance to any item defined by this policy as a weapon. No person may carry, use, possess, conceal, or pass on a simulated weapon on LCPS property unless he/she has written permission from the principal/designee to carry or possess such a simulated weapon.
- K. *“Violent activities” means* students involved with:
 - 1. acting with or characterized by verbal, written, or physical intimidation,
 - 2. use of physical force to control, injure, damage, destroy, or
 - 3. being in possession of or using a weapon.
- L. *“Class III citation” means* a custody/referral citation issued to students by law enforcement officials for violations of specific LCPS policy and regulations.

IV. FEDERAL GUN-FREE SCHOOLS ACT

- A. In compliance with the Federal Gun-Free Schools Act, any student found to be in violation of this policy due to possession of a weapon shall, at a minimum, be suspended from school for a period of not less than one year. The Superintendent may modify the expulsion requirement on a case-by-case basis. (*JICF-E1- Violent, Gang, and/or Gang-Like Activity Contract/Form is required.*)
- B. For the purposes of this section, “*weapon*” means any firearm that is designed to, may readily be converted to, or will expel a projectile by the action of an explosion; and any destructive device that is an explosive or incendiary device, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than a quarter-ounce, mine or similar device.
- C. Special Education Students
Student discipline policies shall also provide for placement in an alternative educational setting, for not more than 45 school days, of any student with a disability who is determined to have knowingly brought a weapon to a school under the jurisdiction of the school board. If a parent or guardian of the student requests a due process hearing, then the student shall remain in the alternative educational setting during the pendency of any proceeding, unless the parent or guardian and the school district agree otherwise. (*Refer to JI-R Students Rights and Responsibilities*)
 - 1. This regulation shall be interpreted in a manner consistent with the Individual Disability Education Act (IDEA) Federal law and §504 of the Rehabilitation Act of 1973. However, if it is determined that the student’s behavior is unrelated to the student’s disability, the provisions of the Gun-

Free Schools Act (see *Jl-R – Student Rights and Responsibilities*) are still applicable. (*JICF-EI: Violent, Gang, and/or Gang-Like Activity Contract/Form is required as initial documentation.*)

2. Immediate removal of any student for up to 10 days, pending an investigation and long-term hearing, may occur at any time, provided there is sufficient evidence to support the belief that the student is a significant threat to him/herself or to others. (*JICF-EI: Violent, Gang, and/or Gang-Like Activity Contract/Form is required.*)

- D. Any student who brings a weapon or simulated weapon into a school zone or school location shall, in addition to being subject to penalties imposed under school board policy, be referred to the appropriate law enforcement authorities for prosecution. (*JICF-EI: Violent, Gang, and/or Gang-Like Activity Contract/Form is required.*)

V. VIOLENT, GANG, AND/OR GANG-LIKE ACTIVITY

- A. No student shall participate in violent, gang, and/or gang-like activity on school property or during any LCPS-sponsored activity, which includes but is not limited to:

1. Use of any speech, social media, or commission of any act which furthers the interests of any gang, gang activity, or act of violence, including but not limited to:
 - a. solicitation for membership in a gang;
 - b. requesting any person to pay for protection or otherwise intimidating or threatening any person;
 - c. committing or inciting any illegal act or violation of LCPS policies;
 - d. inciting other students to act with physical violence upon any person;
 - e. making hand gestures or whistling to signal gang affiliation or action;
 - f. challenging or provoking fights, stare-downs, “mad-dogging”, flashing colors, making verbal remarks, etc.;
 - g. unauthorized marking or writing on school property or on personal items (such as notebooks or backpacks) that may signify gang affiliation;
 - h. engaging in physical confrontations where one or more persons confront another individual or group; and

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- i. using electronic devices such as pagers, iPhones, smart phones, cell phones or other mobile devices to communicate gang activities while on school property.
2. Prohibited participation of students in the following activities:
 - a. Students shall not intentionally cause physical injury to any person, or intentionally behave in such a way as to cause physical injury to any person. Neither reasonable self-defense nor action taken because of a reasonable belief that it was necessary to protect some other person is to be considered an unintentional act.
 - b. Students shall not direct harassing, vulgar, or derogatory remarks toward any person (*see JICKA-R - Harassment, JICFB-R - Bullying and JICFA-R - Hazing*).
 - c. Students shall not willfully or maliciously engage in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated, or harassed.
 - d. Students shall not intentionally cause or attempt to cause destruction of LCPS property or private property located on LCPS property.
3. Wearing, possessing, using, distributing, displaying, or selling any clothing, jewelry, glasses, emblem, badge, symbol, sign, or other item which is evidence of membership/affiliation in any gang or which is related to potentially violent or illegal activities.
 - a. During the first month of each school year, school principals shall inform their school communities about prohibited items of clothing, jewelry, symbols, etc. Updates to gang attire and/or dress code regulations will be made when necessary and parents will be informed of said changes.
 - b. Clothing, including certain shoes, boots and laces, and other accessories, may be prohibited by virtue of color, arrangement, trademark or other attributes that denote or might reasonably seem to denote membership in gangs or clubs, or which advocate drug use (including alcohol and tobacco), violence or disruptive behavior.
 - c. Specific items of clothing, jewelry and/or any other items of wear and/or symbols – including exposed permanent and temporary tattoos – that are affiliated with gangs and/or denote or might reasonably seem to denote membership in gangs, and which are prohibited, include but not limited to:

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- i. shirts with only the top button fastened;
 - ii. oversized, baggy and/or saggy clothing; including, but not limited to Dickies-brand work pants worn low;
 - iii. belts that dangle/belt buckles with certain letters or symbols that denote or might reasonably seem to denote membership in gangs;
 - iv. exposed underwear and/or underwear of a specific color that have been determined to denote membership in gangs;
 - v. sports teams clothing/logos that have been determined to denote membership in gangs;
 - vi. rosaries, crosses, or colored beads formed into the shape of a cross, that are visible on the outside of clothing; use of colored beads in shoelaces, key chains, braids, etc.
 - vii. shaved strips in eyebrows;
 - viii. bedroom slippers worn with white socks;
 - ix. bandanas, handkerchiefs, rags worn on the head/neck;
 - x. Old-English lettering/writing on clothing.
- d. Any clothing, paraphernalia, grooming, exposed tattoos, jewelry, hair coloring, accessories, or body adornments that are or contain any words, symbols, or pictures that:
- i. Refer to drugs, alcohol, tobacco, weapons, or any illegal substance.
 - ii. Are of a sexual nature; or
 - iii. Are obscene, profane, vulgar, or lewd; or
 - iv. Threatens the safety or welfare of any person; or
 - v. Promotes any activity prohibited by district policy or regulation.
- e. Additional articles of clothing, jewelry or objects that are prohibited may be reviewed in Policy JICA: Student Dress and Regulation JICA-R.

VI. GRAFFITI

- A. Upon notification of the LCPS Physical Plant Department, graffiti will be photographed and removed within 24 hours of discovery, or as soon as possible.
- B. Parents/guardians and students are responsible for any student-caused damage to LCPS property. Students found to be responsible for damages will be required to reimburse LCPS for the loss or to make restitution in the form of public service.
 - 1. With the parent/guardian in agreement, the restitution may include a student work assignment and/or monetary restitution.
 - 2. When the building principal or a director of the building or property that was damaged is unable to reach a satisfactory agreement with the parent/guardian for recovery damages to LCPS property or restitution for the amount of property loss, the LCPS Office of Safety and Security will be contacted for assistance in making appropriate contact with local law enforcement.

VII. PENALTIES FOR VIOLATIONS

This regulation shall be enforced according to LCPS Policy JI - Student Rights and Responsibilities. A *JICF-EI-Violent, Gang, and/or Gang-Like Activity Contract/Form* must be completed for all reported major violations and incidents.

- A. The district will maintain records of student policy violations. When multiple violations occur within three years, disciplinary actions will be progressive.
- B. Immediate Removal: If the student is perceived as a significant threat to him/herself or others, the student may be immediately removed from the school for up to 10 days pending an investigation. Law enforcement may immediately issue a Class III Citation for the violation. If the investigation identifies sufficient evidence, a long-term hearing may be pursued.
- C. Progressive discipline violations for non-emergency situations, minor violations, or gang-like activities are as follows:
 - 1. Minor Violations
 - a. The building Principal reserves the right to apply alternate penalties for non-emergency situation, minor violations, or gang-like activities;
 - b. Student/Parent conference with school administrator;
 - c. Loss of privileges – such as field trips or extra-curricular activities;

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- d. In/out of school suspension;
- e. The parent/guardian shall be notified by phone or in writing on the minor-documented violations;
- f. Violations need to be documented under the discipline section of the student information system.

2. First Violation Resulting In a Contract

- a. The student and parent will be required to sign the LCPS form *JICF-EI Violent, Gang and/or Gang-Like Contract* that indicates the specific behavior resulting in a violation of this policy. If the student or parent/guardian refuses the terms or fails to comply with the contract/ form, a long-term suspension hearing may be pursued.
- b. A first violation shall result in a parent/guardian contact with site administrator(s).
- c. A one to three day suspension may be mandated. If applicable, a Class III Citation will be issued.

3. Second Violation Leading to a Contract

A violation shall result in a parent/guardian meeting, a three to seven day suspension and a Class III Citation will be issued. The parent/guardian shall be contacted on the second major violation by the site administrator.

4. Third Violation Leading to a Contract

- a. A student with a third violation of this policy will be considered as having a pattern of violent/gang/and/or gang-like activities and will be suspended for 10 days pending a long-term suspension hearing. (See *Jl-R Student Rights and Responsibilities*) A Class III shall be issued.

Specific to elementary students, the building principal will work with the Director of Elementary Instruction to determine the appropriate placement of students on violent, gang and/or gang-like violations.

- b. Students may be suspended for up to one year. Pending space availability, students will have the option to enroll in the school district's alternative education program. If no space is available, students will not be allowed to attend any school within LCPS.
- c. After completion of the suspension:
 - i. the student shall be allowed to return to the school he/she attended prior to the suspension;

- ii. the principal may choose to increase monitoring of the student; and
 - iii. the principal may require that while on campus the student is escorted by staff.
- d. Students who violate the LCPS Violence, Gang, and/or Gang-Like Activities Policy and who are involved in extra-curricular activities which are governed by the New Mexico Activities Association (NMAA) and/or LCPS may be subject to additional penalties. Eligible students shall follow the guidelines, which are outlined in the NMAA guidelines, LCPS Athletic Handbook and/or LCPS policies and regulations, which are approved by the LCPS Board of Education.

VIII. NOTIFICATION PROCEDURES FOR VIOLENT, GANG AND/OR GANG-LIKE ACTIVITIES

- A. The principal or designee of a school where violations of this policy have occurred or are occurring will be responsible for determining appropriate requests for assistance from law enforcement for serious gang or violent activities. (*KLG Relations with Law Enforcement* and *JIH-R Student Interrogations*).
- B. The principal or designee shall notify by phone the Office of the Superintendent. If necessary, he/she will dispatch administrative staff to assist at the location of the incident. The superintendent or designee shall notify and update the Board of education, as information becomes available.
- C. Within 24 hours of the oral report, the principal or designee will report the incident in writing via email or fax, using LCPS Form *JICF-E2 Serious School Incident Report*, to the superintendent.
- D. Whenever the principal or designee perceives that an incident threatens the safety or security of students or staff, or there is the likelihood of community concern about the incident, the superintendent or the Director of Communications shall release to the public information about the incident.

NON-DISCRIMINATION: Nothing within this policy or its definitions suggests that gangs, gang membership, or gang activity are defined or limited by race, color, religion, ancestry, national origin, gender, sexual orientation, including gender expression or identity, gender expression or identity or other distinguishing characteristics including but are not limited to mental or physical disability, socioeconomic status, and weight.



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Approved, Deputy Superintendent

August 12, 2013

Date

History: Procedure 367.1-367.5 and 368.1-368.2, revised 01.17.06, 12.03.07, 09.15.09, 08.11.10, 07.05.11; 08.12.13

Legal Ref: 6.11.2.9 NMAC