

# REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

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**Related Entries:** JFA, JFA-RA, JOA-RA  
**Responsible Office:** Special Education and Student Services  
 School Safety and Security  
**Related Sources:** *Annotated Code of Maryland*, Education Article, §7-424.2; Criminal Law Article, §9-801. *Definitions*; and Criminal Law Article, §9-803. *Criminal gang activity – Schools*

## Gangs, Gang Activity, or Other Similar Destructive or Illegal Group Behavior Prevention

### I. PURPOSE

Montgomery County Public Schools (MCPS) believes that academic achievement and social growth occur when students and staff feel safe. Gangs, gang activity, and other similar destructive or illegal group behaviors (gang- related behaviors) interfere with the safe operation of schools. Students who are gang members, who are involved in gang activity, or who participate in similar destructive or illegal group activities, as well as students who are exposed to these activities, are at risk of experiencing a range of negative health, safety, and educational outcomes. This regulation provides procedures that address the prohibition of gang-related behaviors in schools by implementing prevention, early intervention, remedial activities, and specific consequences as needed, and guard against reprisal or retaliation against individuals who report suspected gang-related behaviors.

### II. DEFINITIONS

- A. *Gangs*—“*Criminal gang*” means a group or association of three or more persons whose members:
- (1) individually or collectively engage in a pattern of criminal activity;
  - (2) have as 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.
- B. *Gang activity*—“*Pattern of criminal gang activity*” means 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 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.
- C. *Prevention activities* are those schoolwide activities that provide awareness of the prevalence, causes, and consequences for gang-related behaviors, and are part of a system of positive behavioral supports and school improvement efforts at all grade levels.
- D. *Intervention activities* are individual or small group approaches directed at specific occurrences and range in intensity, duration, and frequency based on the severity of the behavior.

### III. PROCEDURES

#### A. Prevention

All schools must implement gang-related behavior prevention and intervention strategies and/or activities that teach and reinforce responsible prosocial behavior. Included are:

1. Implementation and analysis of school climate surveys to guide local decision making related to prevention, intervention, and professional development.
2. Annual professional development activities for all staff members that focus on the prevalence, causes, and indicators of gang-related behaviors, social skill development, positive school climate, tolerance of differences, age-appropriate behavioral expectations, and strategies to prevent instances of gang-related behaviors.

3. Professional development provided to staff hired during the school year.
4. Schoolwide prevention programs implemented as part of a system of positive behavioral supports, character education, violence prevention, and school improvement at all secondary schools, and, as appropriate, at the elementary school level.

B. Intervention

1. Collaboration with families and community stakeholders about the prevalence, indicators, causes, and the consequences of gang-related behaviors and the means to prevent them.
2. Education, counseling, or other direct interventions for students exhibiting gang-related behaviors. Interventions may include, but will not be limited to, remedial approaches planned through collaboration with families and other community stakeholders that are designed to correct gang-related behavior; skill building that targets self-advocacy and self-esteem, prevents future occurrences, and protects victims from retaliation and/or further episodes of gang-related behavior.
3. A range of interventions proven to be effective in addressing the social, emotional, behavioral, and academic needs of students who are gang members, and involved or engaged in other similar destructive or illegal group behaviors in order to prevent further incidents.
4. Information should be provided for staff, students, and parents on social services, health, and behavioral health resources for those students who persist in engaging in gang-related activities after the implementation of school interventions. Information also should be provided for students who are victims of gang-related activities or bystanders whose mental or physical health, safety, or academic performance has been negatively impacted.
5. Recognition of positive behavioral changes by students who previously exhibited gang-related behaviors, students who were victims of gang-related behaviors who are implementing strategies to offset the trauma of the incident, and for students who were bystanders who have taken an active role in preventing future occurrences of gang-related behaviors.

C. Consequences

Consequences and remedial actions for individuals engaged in gang-related behavior or for individuals who have made false accusations should be

consistently and fairly applied after timely and appropriate investigation has determined that such an offense has occurred. The consequences must be consistent with MCPS Regulation JFA-RA, *Student Rights and Responsibilities*.

#### IV. REPORTING PROCEDURES

The following procedures will be used for reporting incidents of gang-related behavior:

- A. All school employees must report any incidence of suspected gang-related behavior to the principal or designee. All reports of gang-related behavior must be in writing.
- B. MCPS Form 230-37: *Gang-related Incident Reporting Form*, may be completed by a student, parent/guardian, close adult relative, or staff member. Once completed, the form is submitted to the school principal.
- C. When a student reports an incident of gang-related behavior to a staff member, the staff member will respond quickly to intervene; recommend that MCPS Form 230-37: *Gang-related Incident Reporting Form*, be completed; and promptly report the incident to a school administrator. If the student cannot complete the reporting form independently, the staff member will assist the student in completing the form.
- D. At the beginning of each school year, principals will inform students, parents, and staff members about reporting incidents of gang-related behavior using MCPS Form 230-37: *Gang-related Incident Reporting Form*. Each school will have available MCPS Form 230-37 in the school office, counselor's office, media center, and health room, as well as a link to the form on the local school website, if possible.

#### V. INVESTIGATION PROCEDURES

The following procedures will be used when investigating gang-related behavior:

- A. Within two school days of receiving MCPS Form 230-37: *Gang-related Incident Reporting Form*, the school principal and/or designee must investigate the incident and document the investigation by completing MCPS Form 230-38: *Gang-related Incident Investigation Form*.
- B. MCPS Form 230-37: *Gang-related Incident Reporting Form* and the accompanying MCPS Form 230-38: *Gang-related Incident Investigation Form*, are maintained in a confidential file in the school office in accordance with confidentiality requirements for student records. These documents are not included in a student's cumulative file.

- C. The school principal and/or designee will contact the parents of all students involved in the gang-related behavior within 24 hours of completing the investigation.
- D. School administrators and/or designee will implement interventions and/or apply remedial actions and/or consequences appropriate for the incident and consistent with system and school discipline plans and procedures. A student who participates in gang-related behavior will be informed that reprisal or retaliation against a student who has been involved with or a witness to gang-related activity is prohibited and that further disciplinary action will occur if instances of gang-related behavior continue.
- E. Designated school staff will conduct separate conferences with the student who was victimized by gang-related behavior and the student who is involved with gang-related behavior within two weeks after the investigation to verify the victimization has ceased. These conferences may occur as part of counseling interventions. Another follow-up conference or conversation will be held with the student who was victimized by gang-related behaviors four weeks after the investigation to verify that the gang-related behavior has ceased.
- F. Some gang-related behavior also could be considered as serious incidents as defined by MCPS Regulation COB-RA, *Reporting a Serious Incident*. In these cases, the procedures outlined in MCPS Regulation COB-RA must be followed by the school administrator/designee.

**VI. AVAILABILITY OF REPORTING FORM**

- A. MCPS Form 230-37: *Gang-related Incident Reporting Form*, is available on the MCPS website and should be available in all schools in the school office, counselor's office, media center, and health room.
- B. School administrators will inform staff about the availability of MCPS Form 230-37: *Gang-related Incident Reporting Form*, at the start of each school year, and provide reminders periodically throughout the school year.
- C. School administrators will inform students about the availability of MCPS Form 230-37: *Gang-related Incident Reporting Form*, during the first week of school, and with reminders periodically throughout the year.
- D. School administrators will inform parents about the availability of MCPS Form 230-37: *Gang-related Incident Reporting Form*, and MCPS' *Community Resources and Internet Sites Regarding Gangs, Gang Activity, or Other Similar Destructive or Illegal Group Behavior* in the beginning-of-the-year information sent to students and their parents, in school newsletters, system

e-mail, and at the first Parent Teacher Association and school meeting of the school year.

- E. If the school has a student or parent handbook, information about the availability of MCPS Form 230-37: *Gang-related Incident Reporting Form*, should be included.
- F. Students will be informed that they may submit MCPS Form 230-37: *Gang-related Incident Reporting Form* to any staff member (to deliver to the principal). A secure box may be placed in a location or locations selected by school administrators so that a student may submit a completed reporting form if he/she feels uncomfortable submitting the form in person. If a school sets up a secure box, the principal must make sure students, parents, and staff are aware of its location and make sure the box is checked each school day.

## VII. SUPPORT SERVICES

The following supports are available for the student who is the victim of gang-related behavior, and students who are involved in gang-related activity, and students who are bystanders. The list is not exhaustive, and schools are not restricted from other approaches or community resources known to be effective and consistent with Board of Education policies and MCPS regulations.

- A. School/System
  - 1. Education
  - 2. Classroom guidance and small group counseling
  - 3. Collaborative Problem Solving/Educational Management Team processes
  - 4. Positive behavioral supports
  - 5. Functional Behavioral Assessment (FBA)
  - 6. Behavioral Intervention Plan (BIP)
  - 7. Comprehensive social skills training
  - 8. Character Education
  - 9. Anger management training
  - 10. Cognitive Behavioral Counseling
  - 11. Parent involvement
  - 12. Parent training/workshops
  - 13. Peer support groups
  - 14. Schedule modifications
  - 15. School improvement plan

B. Community/Family

A resource list, *Community Resources and Internet Sites Regarding Gang Prevention and Intervention* will be available in school offices and posted on the MCPS website.

**VIII. MARYLAND STATE DEPARTMENT OF EDUCATION (MSDE) CONTACT:**

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