

Nyssa School District 26

Code: **JFCEA**
Adopted: 6/11/01
Readopted: 10/13/08
Orig. Code(s): 6-0750

Gang Activity

The Board feels that the presence of gangs and gang activities can cause a substantial disruption of or material interferences with school and school activities. "Gang" means a group that identifies itself through the use of a name, unique appearance or language, including hand signs, the claiming of geographical territory or the espousing of a distinctive belief system that frequently results in criminal activity. By this policy, the Board acts to prohibit existence of gangs and gang activities as follows:

No student on or about school property or at any school activity:

1. Shall wear, possess, use, distribute, display or sell any clothing, jewelry, emblem, badge, symbol, sign or other items which are evidence of membership or affiliation of any gang;
2. Shall commit any act or omission, or use any speech, either verbal or nonverbal (gestures, handshakes, etc.) showing membership or affiliation in a gang;
3. Shall use any speech or commit any act or omission in furtherance of the interests of any gang or gang activity, including, but not limited to:
 - a. Soliciting others for membership in any gangs;
 - b. Requesting any person to pay protection or otherwise intimidating or threatening any person;
 - c. Committing any other illegal act or other violation of district policies;
 - d. Inciting other students to act with physical violence upon any other person.

The Nyssa Police Chief will be contacted to provide a list of items referred to in numbers 1., 2. and 3. Every attempt will be made to keep the list current.

Violators will be referred to the superintendent and the following consequences will occur. Although the severity of the consequences is sequential, flagrant violations may result in more severe penalties:

1. A verbal warning and immediate removal of any gang related article. Such item will be confiscated and kept for a parent at the superintendent's office. If the student refuses to surrender the article, he/she will be escorted home by the student resource officer and given an immediate five-day out-of-school suspension;
2. Out-of-school suspension for a three day period;
3. Out-of-school suspension for a five day period;

4. Expulsion by the hearings officer (superintendent) for the remainder of the semester. If less than six weeks remains in the semester, the superintendent may expel the student for the next semester;
5. The student may appeal the superintendent's decision to the Board.

END OF POLICY

Legal Reference(s):

[ORS 336.109](#)

[ORS 339.240 - 339.280](#)

[ORS 339.885](#)

[ORS 659.850](#)

[OAR 581-021-0050 to -0075](#)

Olesen v. Board of Educ. of Sch. Dist., 676 F. Supp. 820 (N.D. Ill. 1987).

Neuhaus v. Federico, 12 Or. App. 314 (1973).

Burkitt v. Sch. Dist. No. 1, 195 Or. 471 (1952).

Tinker v. Des Moines Community Sch. District, 393 U.S. 503 (1969).