

Report to the Legislature

Findings and Recommendations of the

# **Gangs in Schools Task Force**

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**December 2008**

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Findings and Recommendations

of the

## **Gangs in Schools Task Force**

As required by Substitute Senate Bill 5097 (2007 Session)

Dr. Wendy Bleecker, Co-Chair  
Randy Town, Co-Chair

Prepared by the staff of the  
Office of Superintendent of Public Instruction  
Tyson J. Vogeler, Program Supervisor

December 2008

This report reflects the findings and recommendations of the Gangs in Schools Task Force managed by the Office of Superintendent of Public Instruction. The task force operated independently to meet the legislated objectives. The contents of this report are the product of the task force, and do not necessarily reflect the official position of OSPI or the agencies or organizations of the task force members.

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## Acknowledgments

The Gangs in Schools Task Force would not have successfully functioned without the support of many persons. The Office of Superintendent of Public Instruction (OSPI) is grateful to the members of the executive steering committee of the Gangs in Schools Task Force who have dedicated many hours to the important work represented in this report. We also thank the agencies and organizations represented by the steering committee members for their support of the task force and willingness to release task force members to participate in meetings and forums across the state.

OSPI also thanks the many members of local and regional gang task forces which have contributed to the success of this project, as well as the school personnel, community members, community leaders, law enforcement officers, and students who participated in forums to guide the work of the task force. The work of the task force would not be possible without the input and guidance provided by these concerned parties.

Thanks are extended to the Marysville School District, the Yakima School District, and the Spokane School District for hosting community forums in their regions.

Special thanks are extended to Joe Pope and the Association of Washington School Principals for their ongoing support of the task force and their efforts to provide forums with school administrators and students.

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## I. Executive Summary

The 2007 Legislature directed the Superintendent of Public Instruction to convene a task force to examine how gangs are affecting school safety. The task force was directed to recommend methods to prevent and eliminate gangs in schools, gather intelligence on gangs, and share information about gangs. Collaboration with the School Safety Advisory Committee and the Washington Association of Sheriffs and Police Chiefs was directed by the legislation that created the task force, and those entities were involved throughout the process.

Fifteen professionals with experience and knowledge of both gangs and school operations were selected as the executive steering committee of the Gangs in Schools Task Force, and met collectively six times during 2008. Additionally, forums were held around the state with community members, law enforcement, school administrators, parents, and students. Regional subcommittees contributed to the task force process, with steering committee members forming or participating in local task forces or committees across the state.

During the first year, the task force chose to focus on the issues of preventing and eliminating gangs in schools. In considering these objectives, the task force considered their own knowledge and personal experiences, the testimony received from the public and stakeholder groups, as well as information from recognized gang experts and a broad selection of literature and research on gangs.

Several key findings, as stated below, informed the recommendations in this report:

- A. Gang activity is on the rise in Washington schools and communities.
- B. The presence of gang activity in the vicinity of schools poses a risk to staff and student safety and school security.
- C. Effective anti-gang initiatives require the elements of prevention, intervention, and suppression.
- D. Intimidation of staff and students by gang members is one of the most significant impacts that gangs have on the educational environment and the perception of school safety.
- E. Schools do not have a uniform approach to addressing gang activity or gang-associated students.
- F. Administrators, teachers, and other school staff lack current information on gangs, gang indicators, and gang activity.
- G. Most schools and communities lack the resources to address gang issues.

Seven recommendations were developed based on the findings above, as well as focused research, stakeholder input, and experience of the members. The recommendations of the task force for 2008 are:

1. Revise the statute that authorizes schools to suspend or expel students who engage in gang activity, including a definition of “gang” to be consistent with the criminal code and the definition of “gang activity” to include intimidation of staff or students.
2. Establish 1000-foot “school safety zones” in statute, from which gang members can be excluded if they engage in activity that warrants concern for the safety of staff or students.
3. Provide grants to school districts and communities for gang prevention and intervention programs aimed at reducing gangs in schools and intervening with gang-associated youth to reduce suspensions.
4. Create a dedicated funding formula for support of transition programs to provide educational and intervention services for suspended or expelled students.
5. Develop sample anti-gang school policies that include consistent discipline practices, and a mandate that all districts adopt an anti-gang policy.
6. Provide support for ongoing in-state training for all agencies and providers serving gang-affected youth.
7. Development of a secure information-sharing system for exchange of information on gang activity.

In addressing the problem of gangs in schools, the task force recognizes that the issue is larger than the individual schools, being a community and societal problem. While this task force was charged specifically with addressing the issue of gangs in schools, it is clear that cooperative communitywide programs are necessary to effectively reduce youth gang activity and gang violence. Schools, however, are an effective avenue to provide prevention and intervention services to the largest segment of the youth population.

The recommendations above reflect three approaches to addressing the problem of gangs in our communities and their effect on school safety: prevention, intervention, and suppression. The task force strongly encourages the adoption of a balanced platform that employs all three approaches rather than relying primarily on suppression, finding that prevention and intervention are more effective means to effect long-term reduction of gang activity.

The future work of the task force includes further refinement of some recommendations including the parameters for an information-sharing Web site. The task force will address the two complex issues of interagency information sharing and intelligence gathering during the upcoming year and will make additional recommendations in December 2009.

## II. Purpose

This report documents the work of the Gangs in Schools Task Force during 2008, and the recommendations of the task force for that work period. The Office of Superintendent of Public Instruction (OSPI) was directed by the 2007 Legislature to convene a task force to examine how gangs are affecting school safety, and to report annually on methods to eliminate existing gangs in schools, prevent new gangs in schools, gather intelligence on gangs, and share information on gangs.

## III. Introduction

Enacted by the 2007 Washington State Legislature, Substitute Senate Bill (SSB) 5097 was a multi-faceted piece of legislation that directed the Office of Superintendent of Public Instruction, among other things related to school safety, to establish a task force to address the problem of gangs in schools. The membership of the task force was to be established by OSPI and comprised of stakeholders with expertise in the issue of gangs in schools.

The charge of the task force was established in SSB 5097, and added a new section to RCW 28A.300.490 which reads:

- (1) A task force on gangs in schools is created to examine current adult and youth gang activities that are affecting school safety. The task force shall work under the guidance of the superintendent of public instruction school safety center, the school safety center advisory committee, and the Washington association of sheriffs and police chiefs.*
- (2) The task force shall be comprised of representatives, selected by the superintendent of public instruction, who possess expertise relevant to gang activity in schools. The task force shall outline methods for preventing new gangs, eliminating existing gangs, gathering intelligence, and sharing information about gangs.*
- (3) Beginning December 1, 2007, the task force shall annually report its findings and recommendations to the education committees of the legislature.*

To meet this mandate, OSPI initially contracted with the Washington Association of Sheriffs and Police Chiefs (WASPC) to manage and coordinate the Gangs in Schools Task Force (hereinafter "task force"). WASPC has established relationships with law enforcement agencies throughout the state, as well as with other agencies which have expertise in gangs. Additionally, WASPC had managed the Gang Crimes Work Group established by SSB 5987.

The Office of Superintendent of Public Instruction also hired an additional program supervisor of the Washington State School Safety Center, and that employee's responsibilities include representing OSPI on the Gangs in Schools Task Force as well as management of the interagency contract with WASPC. These responsibilities for the program supervisor are in addition to managing grant programs and aiding school districts in meeting the planning and emergency drill requirements of SSB 5097.

The contractual statement of work specified that WASPC would organize and coordinate regular meetings of the task force and communicate information from those meetings to the membership representatives, OSPI, and the School Safety Center Advisory Committee. Regional meetings were to be held in at least five (5) sites throughout the state during each school year, in order to receive community and stakeholder input regarding risks, best practice programs, and costs associated with prevention and intervention methods.

Prior to the end of the first quarter of 2008, representatives of WASPC and OSPI entered into discussions about the management of the task force project. At that time, both agencies agreed that the division of the task force management was less than efficient. The agencies agreed to terminate the contract for project management by WASPC in order to streamline the task force process. As of April 1, 2008, the entire task of managing the task force reverted to OSPI. Since that time, the program supervisor at OSPI has managed the task force process, represented the executive steering committee and the agency in a number of venues, and completed the authoring of this report.

## IV. Process

To ensure broad stakeholder representation, OSPI consulted with WASPC and the School Safety Center Advisory Committee to identify potential task force members with expertise relative to gangs in schools. Attention was given to drawing participation from a broad base of stakeholders with interests and expertise in the topic. Identified stakeholder groups included:

- Association of Washington School Principals
- City and County Government
- Community Action Groups
- Educational Service Districts
- Faith-Based Organizations
- Governor's Juvenile Justice Advisory Committee
- High Intensity Drug Trafficking Areas (HIDTA) Program
- Juvenile Court Administrators
- Juvenile Probation Officers
- Mental Health Providers
- Minority Population Community Leaders
- Office of Superintendent of Public Instruction
- Parents
- Parent Teacher Associations
- Police Chiefs
- Prosecuting Attorneys
- School Administrators (Elementary, Middle, and High School level)
- School Directors/WSSDA
- School Resource Officers
- School Safety Advisory Committee
- School Security Officers/Directors
- School Superintendents/District Office Staff
- Sheriffs
- Students and Youth
- Teen Programs
- U.S. Military
- Washington Association of School Administrators
- Washington Association of Sheriffs and Police Chiefs
- Washington Education Association
- Youth and Family Services Organizations

Potential representatives were identified from most of these groups prior to the first meeting of the task force, and nearly fifty invitations to participate were made. Thirty representatives of these stakeholder groups were present at the first meeting in Olympia.

Participants in the first meeting were asked to identify key stakeholders who were missing from the list of invitees. Additional invitations were made prior to the next meeting of the task force.

### **Executive Steering Committee**

Discussion of membership and organization of the task force was an important agenda item at the first meeting of the task force. There was consensus that a steering committee would be created, consisting of a broad group of stakeholders able to commit to consistent participation for the initial two-year duration of the task force.

The proposed representation of the executive steering committee was envisioned as a group of approximately 15 members who would serve as the statewide core of the Gangs in Schools Task Force. The participation and membership of school and school district representatives was determined to be important, as was a balance of other stakeholders representing agencies and organizations which work with schools and gang-associated youth.

The membership of the executive steering committee of the task force was established as follows, with each member being formally appointed by the Superintendent of Public Instruction for a two-year term on the task force:<sup>1</sup>

Wendy Bleecker, Project Director of Student Support Services  
Spokane Public Schools (co-chair)

Tom Boehme, Principal  
Centralia High School, Centralia School District

Camilla Campbell, Project Manager (ex-officio, resigned 6/04/08)  
King County Juvenile Court

Kevin Fairchild, Detective  
Everett Police Department

Kellie Henderson, Juvenile Probation Counselor  
Clark County Juvenile Court

Jose Hernandez, Student Intervention Coordinator  
Pasco School District

Dawn Larsen, Director of Projects  
WASPC

Lee Maras, Safety Director  
Yakima School District

Randy Town, School Safety Coordinator  
Educational Service District 105 (co-chair)

Dennis Turner, Founder  
Building The Bridges

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<sup>1</sup> Brief biographs for each member of the Executive Steering Committee can be found in Appendix I

Miguel Villahermosa, Middle Level Programs Director  
Tacoma School District

Tyson Vogeler, Program Supervisor (task force project manager)  
OSPI/Washington State School Safety Center

Mary Williams, Office Chief (ex-officio, resigned 6/30/08)  
DSHS/Governor's Juvenile Justice Advisory Committee

Ken Wong, Teen Programs Director  
City of Redmond

The Washington Parent Teacher Association was invited to nominate a representative, and has indicated that a PTA representative has been selected. That representative will be added to the membership of the executive steering committee for 2009.

The intent of the task force was to additionally establish regional subcommittees which would be facilitated or chaired by a member of the steering committee. These subcommittees serve to broaden the participation and information-gathering capabilities of the task force, and insure that all regions of the state are represented in the process. During 2008, the regional task forces in Spokane and Vancouver were particularly active.

The task force and executive steering committee have operated in a nonexclusive manner, and have invited participation by all interested parties. Notice of all steering committee meetings is distributed electronically to more than one hundred contacts statewide that have been involved or indicated interest in the task force work. Contacts continue to be added to that list. These satellite members of the task force have had the opportunity to contribute to the work of the task force by providing feedback to the steering committee, and some have attended and contributed at regional meetings.

### **Meetings and Forums:**

The Executive Steering Committee of the task force met six times as a group during 2008. Each meeting was a work session where the committee discussed components of the legislative assignment, their experiences with gangs in schools, the information they had gained from forums and regional task force meetings, and their ideas for solutions to the gang problem. The meetings were held in various locations around the state to encourage participation by local stakeholders as well as facilitation of local forums.

### **Vancouver:**

The initial meeting of 2008 was held in Vancouver on February 7. This meeting coincided with the Assistant Principal's Conference sponsored by the Association of Washington School Principals (AWSP), which allowed for a forum with those school administrators. In addition, local school administrators were invited to a

separate meeting to share their experiences, concerns, and ideas with the task force. There was great interest and participation from assistant principals at the conference, and this initial forum provided insight to the difficulties schools around the state are facing relative to gangs. *Concerns voiced in this forum included the expansion of gangs or migration of some gang members to small towns and rural areas; the lack of gang awareness training for school staff; the shortage of funding for school resource officers; the increasing multigenerational character of gangs; and the gang involvement of younger students (as young as 10 years).*

### **Everett:**

The second meeting of 2008 was held in Everett on March 4. The executive steering committee met with the Snohomish County Gang Task Force, which meets monthly to share information between community law enforcement, school resource officers, school security officers, and school administrators. *Two of the notable concerns shared at this meeting were the inability to openly share information between law enforcement and school personnel, and the problem of gang members (and suspended students) loitering in the vicinity of schools.* This meeting demonstrated, however, the value of a strong regional partnership between schools and law enforcement.

After an afternoon work session on March 4, which was also attended by local school administrators and security personnel, the task force held an evening community forum at Marysville-Pilchuck High School. This first community forum drew an audience of approximately 100 persons, including civic leaders, teachers, school administrators, parents, students, and concerned community members. *Key concerns voiced at this forum included the intimidation of students by gang members; the spectrum of school reactions to gang activity and “gang-like” activity; the loss of funding for gang prevention and intervention services; and the perception that many civic leaders and school administrators deny obvious gang presence.* Although some school administrators attended this forum, one later confided that he and others would not comment on “gang problems” in their schools in a public forum; this reinforced the perception that administrators knowingly deny gang activity to maintain the image of the school.<sup>2</sup>

### **Yakima:**

The third meeting of 2008 was held in Yakima on May 20 and 21. This meeting was scheduled to coincide with the spring conference of the Washington Association of Sheriffs and Police Chiefs (WASPC). The task force held a session with law enforcement officers and police chiefs to discuss the issue of gangs in and around schools. The input of these officers was valuable to the task force, as it was the first opportunity to get a broad criminal justice perspective of the issue. *One issue that was especially clear from this session was the need to develop methods for the police and schools to share information about gang-associated youth.*

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<sup>2</sup> See Beres and Griffith (2004) for a discussion of this issue.

Another forum was held in Yakima with local school administrators. They shared the crisis-level gang activity that was impacting their communities and schools; the committee also had the opportunity to witness indices of gang activity on a tour hosted by the Yakima Police Department. The administrators echoed previous testimony to the task force: younger students involved in gangs, increasing issues at the middle school level, multigenerational gangs and issues with gang-involved parents; and the need for intervention services. Also during this meeting, the task force held a community forum that was hosted by the Yakima School District at Eisenhower High School. Approximately 60 members of the community and other concerned citizens shared their concerns about gangs and their ideas for solutions. *There was a theme in the testimony about the lack of resources, and the need to provide prosocial activities for youth.*

### **Spokane:**

The fourth meeting of the task force was held in Spokane on June 30 and July 1, to coincide with the AWSP/WASA Summer Conference. This opportunity was used to hold another community forum, which was attended by about 50 persons, including the mayor and police chief of Spokane. A common theme from the audience in this forum was the *lack of resources for gang intervention.*

While in Spokane, the task force met with the Spokane regional task force, which included juvenile justice professionals, faith-based organizations, school resource officers, school administrators, and social service providers. A one-hour session was also held with principals and district administrators at the conference to gain additional input from the school perspective. *From these meetings, common themes were again reiterated: the need to protect the areas around the school, the need for prevention and intervention programs, the need to provide training for school personnel and other agencies; the need to share information about gang-involved youth; and the need for alternative placements for suspended and expelled students.*

At this Spokane meeting, all the information collected and considered by the task force began to coalesce into defined recommendations, and a preliminary list of seven recommendations was generated to be developed by the project manager and refined at the final work session.

### **Olympia and Tacoma:**

On August 12 and 13, the task force met in Olympia for a final work session of the year, with the objective of completing recommendations to be made to the Legislature in the report due December 1. A draft of the recommendations was edited and refined by the task force, with consensus to support all seven recommendations.

A final meeting of 2008 was held on November 19 in Tacoma, at which time the task force reviewed the draft of this report and began work on recommendations

for intelligence gathering and information sharing to be presented to the Legislature in December 2009.

### **Training for Task Force Members**

Although each of the members of the executive steering committee was appointed on the basis of their experience or expertise with youth gangs, advantage was taken of opportunities to increase the knowledge base of the committee members.

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) supports the National Youth Gang Center, anti-gang research, and a variety of gang training. Because of the interest in applying the OJJDP gang intervention model in Washington schools, four of the task force members were invited to attend the OJJDP National Youth Gang Symposium in Atlanta, Georgia. In addition to the project manager, Lee Maras and Miguel Villahermosa, of the Yakima and Tacoma school districts respectively, attended the symposium. Kellie Henderson was also able to attend through the generous support of the Governor's Juvenile Justice Task Force. Those who attended the symposium returned and shared their new knowledge with the task force, and have committed to returning the state's investment by providing training in their districts and regions.

Four members of the executive steering committee were also able to attend the Project Safe Neighborhood training offered in Spokane by the Department of Justice. This training provided additional information on the OJJDP comprehensive gang prevention and intervention model, which is included as a component of the task force recommendation for grants to school districts.

### **Development and Prioritization of Recommendations**

Subsequent to the executive steering committee's outlining of the seven recommendations presented in this report, the text and supporting discussion of those recommendations was drafted by the project manager. The committee reviewed the draft during the August 2008 meeting. During that meeting, the language of the recommendations and the components of the recommended statutes and programs were edited and revised by the group. At the conclusion of the meeting, the committee was in consensus on forwarding the seven recommendations to the Legislature as drafted.

The committee struggled with ranking or prioritization of the seven recommendations; however, as together they represent a systemic approach to the gang problems facing schools and communities. Concern was voiced that some recommendations were focused on suppression, and that these were the recommendations that are largely without associated costs. Considering that gang experts agree suppression is the least effective long-term means to deal

with gang activity,<sup>3</sup> the task force encourages the Legislature to consider the three-pronged approach as the only acceptable approach to addressing the problems of gangs in our schools. Given current state budget forecasts, the committee was concerned that only suppression elements might be considered; this result would greatly concern the executive steering committee, which strongly supports a balanced approach of prevention, intervention, and suppression.

As this report is being drafted, the recommendations of the task force are being presented to stakeholder groups in various forums across the state. Early indications are that all seven recommendations have support from school administrators and staff in the field. Data on stakeholder support or opposition to the recommendations, as well as stakeholder priorities, is being collected and will be available early in 2009.

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<sup>3</sup> Fearn, N.E., Decker, S.H., and G.D. Curry (2001), p. 313.

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## V. General Findings

Through the research, discussion, and consideration of input, training, and pertinent literature, the executive steering committee distilled its work to the following general findings:

- A. Gang activity is on the rise in Washington schools and communities.
- B. The presence of gang activity in the vicinity of schools poses a risk to staff and student safety and school security.
- C. Effective anti-gang initiatives require the elements of prevention, intervention, and suppression.
- D. Intimidation of staff and students by gang members is one of the most significant impacts that gangs have on the educational environment and perception of school safety.
- E. Schools do not have a uniform approach to addressing gang activity or gang-associated students.
- F. Administrators, teachers, and other school staff lack current information on gangs, gang indicators, and gang activity.
- G. Most schools and communities lack the resources to address gang issues.

These findings form the foundation for the recommendations in this report. Additional more detailed findings relevant to each of the individual recommendations are included in Section VI.

### A. Gang activity is on the rise in Washington schools and communities.

Across Washington State, communities are experiencing increased youth gang activity. The signs are obvious to those who are knowledgeable and observant: gang graffiti and tagging is increasingly common, and some youth overtly advertise their membership through clothing and body art. The necessary knowledge to recognize gang presence and activity comes through specialized training. *The need for awareness training is an issue addressed in the recommendations of the task force.*

Given that our schools are a microcosm of their communities, it is no surprise that increased gang activity is being reported in our schools.<sup>4</sup> The apparent

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<sup>4</sup> Although most sources agree that gang activity is increasing in schools, Beres and Griffith (2004) argue that problems with statistics on gangs and schools do not necessarily support this perception, and that the effect of the media leads to the perception that gang activity is increasing although not all statistics support conclusion.

increase in regional gang activity was cause to mandate the creation of the Gangs in Schools Task Force.

Gangs are not a new phenomenon in our country, however. Street gangs having been active for at least a hundred years.<sup>5</sup> Gangs are, however, increasingly involved in more criminal activities as well as being increasingly violent.<sup>6</sup> This is as true in Washington as it is in Los Angeles or Chicago; however, the level of gang activity in our state has not yet reached the level of those cities, where gang activity has been at the “crisis” level for years.<sup>7</sup> Each peak of gang activity seems to bring with it greater violence and more severe crime.<sup>8</sup> Although some researchers have studied the escalating trend of gang violence, no specific causes have yet to be determined although there are significant correlates.

Gang activity follows a cyclical pattern with an irregular period. The last peak of gang activity occurred in Washington in the early 1990s after several years of increase—a pattern that echoed national gang trends. It is notable that the period between peaks of activity seems to be shorter with each cycle of gang activity. (i.e., increased amplitude and reduced period.)

Gang activity is driven by a multitude of factors with a primarily socio-economic basis.<sup>9</sup> Hard economic times, marginalization of racial and ethnic groups, mobile populations, and unsettled social environments all historically have contributed to increased gang activity.<sup>10</sup> Considering the current economic crises in our country, experts anticipate that there may be a rapid increase in gang activity.<sup>11</sup> The National Youth Gang Center notes that gangs are “most visible and violent during periods of rapid population shift.”<sup>12</sup>

The increase in criminality and violence of gangs can be traced back over the last three decades. In the 1980s, California “black” street gangs<sup>13</sup> capitalized on drug trafficking to expand their territory and control.<sup>14</sup> By the late 1980s, Washington was experiencing considerable street gang activity attributed to the Blood and Crip gangs which originated in Los Angeles. Some influence of Chicago gangs (Black Gangster Disciples and Latin

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<sup>5</sup> Multiple sources – see for example, A. Valdez (2000), and T. Delaney (2006), pp. 36–65.

<sup>6</sup> Howell, J.C. (1998), p. 2, and U.S. Department of Justice (2008).

<sup>7</sup> Tobin, K. (2008), p. 7. Author notes Los Angeles and Chicago as “chronic gang cities.”

<sup>8</sup> *Ibid.*, pp. 1–8.

<sup>9</sup> Delaney, T. (2005), pp. 101–111.

<sup>10</sup> *Ibid.*

<sup>11</sup> Valdez, A., “Gangs: Customs, Practices, Sociology & Identifiers.” Code 4 Public Safety Education Association, Inc. Puyallup, Washington. October 2008.

<sup>12</sup> Howell, J.C. (1998), p. 2.

<sup>13</sup> The classification of gangs by racial or ethnic groups is a common approach by gang experts. Street gangs have traditionally formed around race and ethnic groups, and have self-segregated. The California gangs—Crips and Bloods—were originally composed entirely of African-American youth and young adults, although these gangs now consist of youth of many races. The development of “hybrid” gangs consisting of multiple racial groups is a fairly recent phenomenon.

<sup>14</sup> Valdez, A. (2008), T. Delaney (2005), p. 60.

Kings) was also common in the '80s and early '90s. Washington had little presence of California-based Latino gangs until the 1990s.

In 1991, the Legislature addressed the growing gang problem in our state. "The legislature finds that a destructive lifestyle of drug and street gang activity is rapidly becoming prevalent among some of the state's youths. Gang and drug activity may be a culturally influenced phenomenon which the legislature intends public and private agencies to consider and address in prevention and treatment programs."<sup>15</sup> Through suppression and intervention efforts, as well as socioeconomic changes, gang activity in Washington subsided by the mid-1990s.

The last few years have witnessed an increase in gang activity as well as changes in the types of gangs active in Washington State.<sup>16</sup> Multiple factors contribute to the recent increase in gang activity, including: gentrification, multi-generational gangs, lack of gang intervention programs, demographic changes, migration patterns, impoverished classes, and the recent return of older gang members from prison to the communities.<sup>17</sup> Gang intervention programs that were put in place to address the last peak of activity in the early 1990s were cut back or eliminated as gang activity was reduced, leaving a notable gap in services and support for at-risk youth. The lack of services for at-risk youth is particularly notable in urban areas with a history of gang problems.

Although the same gangs from the 1980s remain active, today there has also been an influx of Latino gangs, particularly the Sureno and Norteno street gangs. Members of these two gangs are alliances of larger prison gangs based in California.<sup>18</sup> These gangs originated in the California prisons, as a Hispanic response to black gangs, and they have now spread across much of the United States.<sup>19</sup> The increase in Latino gangs correlates with the increasing Latino populations in areas of Washington. Because of the ties of these two gangs to segments of the California Hispanic population, communities and schools with significant influx of Hispanic populations are experiencing the greatest effect of these gangs.<sup>20</sup>

It should be noted, however, that hard data on gang activity and estimates of the number of gang members in our schools and communities is difficult to come by. Much of the information about the increase of gang activity is

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<sup>15</sup> Notes following RCW 13.40.310 (1991).

<sup>16</sup> Ja, D. (2008), p. 6., and S.J. Green (2006).

<sup>17</sup> Green, S.J. (2006).

<sup>18</sup> The Norteno and Sureno gangs respectively represent the street-gang branches of the California prison gangs Nuestra Familia and Mexican Mafia. Local Hispanic gang sets pledge alliance to one prison gang or the other, and local gang members are considered "foot soldiers" of the gangs (personal communication to the author by Dennis Turner).

<sup>19</sup> Valdez, A. (2008) and others.

<sup>20</sup> The regions of Washington especially impacted by Hispanic gangs include the Yakima Valley, the Tri-Cities, Skagit Valley, and Lewis County. Snohomish County, South King and Pierce Counties, and Clark County are also dealing with increased Hispanic gang activity.

anecdotal, particularly in schools. Although some law enforcement agencies track gang-associated crimes, many still do not; likewise, relatively few schools collect discipline or incident data that facilitates quantitative data on gangs. *The lack of reliable data on gang incidents in schools is addressed by the task force recommendations.*

The best available information on presence of gang members in schools comes from the Healthy Youth Survey (HYS) which is administered every two years to students in Washington State. Because survey participation by schools and students is voluntary, it represents trends but cannot be used to definitively enumerate the number of gang members in Washington schools.

As seen in the figure below, the HYS data indicates that in the four years from 2002 through 2006, the number of students who self-reported being a member of a gang increased dramatically both in 8<sup>th</sup> grade and 10<sup>th</sup> grade.<sup>21</sup> The number of 10<sup>th</sup> grade students who considered themselves to be a member of a gang in the last 12 months effectively doubled from 2002 to 2006, from 4.7 percent to 9.7 percent.<sup>22</sup> It should be noted that the smaller percentages of self-reported gang membership for 12<sup>th</sup> grade students is most likely a reflection of students who have dropped out, been suspended, or expelled. Rather than having left the gang lifestyle behind, the smaller percentage of gang members in 12<sup>th</sup> grade reflects youth who are now on the streets rather than in school.

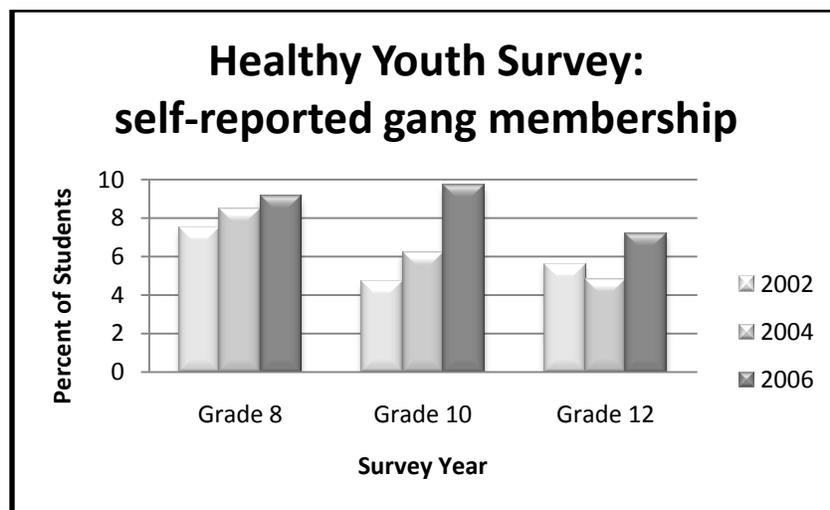


Figure 1: Self-reported gang membership in the last 12 months, for students in grades 8, 10, and 12. Source: Healthy Youth Survey 2006, Washington Dept. of Health.

<sup>21</sup> Washington Dept. of Health. *Healthy Youth Survey 2008*. In the HYS, students are asked, "In the last 12 months, have you been a member of a gang?"

<sup>22</sup> Ibid. The accuracy of these numbers may be affected both by the phrasing of the question, and the mindset of students. Because the question asks if youth were "a member," there is the potential for "associates" to answer in the negative. Conversely, there may be some false positives from "associates." The percentages are therefore taken only to indicate a trend.

**B. The presence of gang activity in the vicinity of schools poses a risk to staff and student safety and school security.**

The question of how gangs within schools affect safety was central to the work of the task force, and was a question posed in every forum across the state. It became apparent, however, that gangs *in the vicinity of schools* are an equal or greater problem for administrators and school security. While administrators and security officers felt they had good control of problems within their buildings, they pointed to the fact that gangs could operate on the fringes of school property and still have a significant effect on the safety of staff and students and perceptions of campus security.

Although school administrators have authority over school property, they have no authority over the adjacent properties. The task force heard repeatedly that older gang members in some areas congregate around schools<sup>23</sup> where they intimidate and students, attempt to recruit students into the gang, stir up trouble with gang rivals, and engage in trafficking of drugs and weapons.<sup>24</sup> When students are suspended or expelled for gang activity at school, they can only be excluded from school property, and frequently gravitate back to the vicinity of the school where they continue to engage in gang activity.<sup>25</sup> Even students expelled for possession of weapons, who may be deemed a considerable threat to school safety, cannot be excluded from the areas surrounding a school.

Administrators and security officers repeatedly voiced frustration at having no ability to protect the area around their campuses, and *this issue has surfaced as a priority issue for school safety*. Even school resource officers noted they have no real ability to deal with gang members in the vicinity of schools.

Students voiced their concerns about safety around their schools. One student from a Tacoma school noted that she and her friends have to walk in “groups of four or five” to feel even marginally safe in the neighborhood. Another student reported having to wait for a ride home because it wasn’t safe to walk in the vicinity of the school. Students also explained that even if they weren’t associated with any gang, they had to be cautious about wearing clothing that local gangs would consider disrespectful or hostile, for fear of harassment—or worse.

School staff in some areas also voiced concerns for their own safety when coming or going from schools, especially early in the morning or late in the evening. In the areas experiencing the most significant gang problems, schools are secured and all doors locked immediately after students leave the building, both for the security of the facility and the security of the staff.

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<sup>23</sup> Testimony in public forums and in meetings with school administrators in various locations.

<sup>24</sup> Al Valdez, personal communication to author, October 2008.

<sup>25</sup> Personal experience of task force members and testimony of administrators to the task force.

**C. Effective anti-gang initiatives require the elements of prevention, intervention, and suppression.**

Addressing the issue of street gangs is a complex issue without easy solutions. Gangs are a symptom of larger multi-dimensional socio-economic problems which cannot be solved by any one-dimensional approach. As Seattle Police Chief Gil Kerlikowske observed, “If anybody gives you a quick and clear and simple solution, you can be assured it’s wrong.”<sup>26</sup>

Some communities around the country have been successful in reducing gang activity and the recruitment of youth into gangs. Most of the successful programs employ a three-pronged approach to dealing with gang activity: prevention, intervention, and suppression.<sup>27</sup> Each of these approaches addresses a different segment of the problem. The importance of interagency collaboration, strengthening the partnerships between schools and communities, and the necessity for a balanced approach not completely reliant on suppression cannot be overemphasized.

Addressing the gang problem 15 years ago, the Legislature noted, “most youth gangs are subcultural. This implies that gangs provide the nurturing, discipline, and guidance to gang youth and potential gang youth that is generally provided by communities and other social systems.”<sup>28</sup> The Legislature at that time (1993) authorized “the development of positive prevention and intervention pilot programs for elementary and secondary age youth through cooperation between individual schools, local organizations, and government.”<sup>29</sup> Washington’s efforts to reduce youth gang involvement through prevention and intervention were actually highlighted by OJJDP as a proactive model to be emulated by other states.<sup>30</sup> Legislative intent at that time was to fund similar programs in other communities if the pilot programs were found to be effective; however, funding has not been provided since 1995.

**Prevention:**

Prevention is typically aimed at the youngest children, and is an “effort to change the life trajectory of a young person who is otherwise likely to join a gang.”<sup>31</sup> Prevention includes educating children about gangs, coaching them to avoid gang involvement, providing attractive alternatives to gangs, and providing effective support systems for youth.<sup>32</sup> Prevention programs also may address some of the risk factors that predispose youth to gang involvement, including low school attachment, drug/alcohol abuse, poor

<sup>26</sup> Enrique Cerna Show, KCTS 9, Seattle. 09/19/2008.

<sup>27</sup> Huff, C.R. (2002), p. 287; B. Lockyer (2003), p. 4.

<sup>28</sup> Notes following RCW 43.310.005. [1993 c 497 § 1.]

<sup>29</sup> Notes following RCW 43.310.007. [1993 c 497 § 2.]

<sup>30</sup> Howell, J.C. (2000), p. 41.

<sup>31</sup> Wyrick, P. (2006), p. 53.

<sup>32</sup> Ibid.

academic success, and lack of prosocial after-school activities.<sup>33</sup> Primary prevention is intended to reach the entire population of children, especially in areas with significant gang activity; secondary prevention is directed toward youth who have already displayed early signs of problem behavior and are at high risk for gang involvement.<sup>34</sup> School-based prevention programs are especially effective at addressing individual risk factors; community and family-based risk factors must be addressed through other means.

An example of a primary prevention program is the Gang Resistance Education and Training (G.R.E.A.T.) program<sup>35</sup> which puts uniformed officers in elementary schools with anti-gang messages, but other equally effective secondary prevention programs exist including the Boys and Girls Clubs of America and after-school programs.<sup>36</sup> Although this task force was specifically charged with addressing the problem of gangs in schools, the task force recognizes that other work groups are concurrently considering issues such as dropout prevention, school re-integration, and bullying; the task force notes that there is significant overlap in elements of these various issues, and recommends that the recommendations of the various work groups be blended into a single comprehensive prevention and intervention program for at-risk youth.

#### Intervention:

Intervention programs target those youth that are beginning to associate with gangs or are not deeply entrenched in the gang culture. Intervention programs help youth to pull away from gangs and re-engage them in school and other positive activities. Contrary to popular belief, the majority of youth who join gangs only stay in the gang for approximately one year,<sup>37</sup> which provides opportunities for effective anti-gang interventions.

Intervention programs can be active in schools, on the street, or in the community. Some intervention programs such as the Police Athletic League (PAL) engage youth in prosocial activity combined with mentoring, while others such as Building The Bridges<sup>38</sup> focus on addressing factors such as drug use, mental health issues, and academic troubles that place youth at risk for gang involvement. Prevention and intervention programs have been shown to be effective in reducing the number of youth becoming involved in

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<sup>33</sup> Howell, J.C. (2000), and Hill, K.G. *et al.* (2001).

<sup>34</sup> Wyrick, P. (2006), p. 56.

<sup>35</sup> The Gang Resistance Education and Training Program is managed through the Bureau of Alcohol, Tobacco, and Firearms. It is a standard curriculum delivered to elementary students by commissioned law enforcement officers who receive training and orientation to the curriculum. The University of Nebraska (1995) conducted a cross-sectional survey of eighth graders, some of whom had participated in GREAT, and results suggested that the program had significant impact on changing behaviors of students.

<sup>36</sup> Howell, J.C. (2000).

<sup>37</sup> *Ibid.*

<sup>38</sup> Building the Bridges is a gang intervention program that operates out of Lakewood, Washington, and works with school districts to provide services for gang-associated youth facing school discipline.  
[www.buildingthebridges.com](http://www.buildingthebridges.com)

gangs, but do not stem the problem completely. Hence, the need for suppression.

#### Suppression:

There was an apparent shift in legislative philosophy between 1991, when prevention/intervention programs were authorized, and 1997 when the emphasis was on suppression of gang activity.<sup>39</sup> In the latter year, the Legislature enacted RCW 28A.600.455 which authorizes suspension or expulsion of students who engage in gang activity on school grounds. The Legislature noted its intent “to define gang-related activities as criminal behavior disruptive not only to the learning environment but to society as a whole and to provide educators with the authority to restore order and safety to the learning environment, eliminate the influence of gang activities, and eradicate drug and substance abuse on school campuses.”<sup>40</sup>

Although usually associated with law enforcement activity, suppression may also include both school discipline and school security activities. In the school environment, discipline for gang activity at the middle school and high school levels is primarily carried out through suspension and expulsion. When schools lack intervention programs, excluding students from school is typically the only available tool for dealing with gang members and associates. On the street, suppression includes gang enforcement teams, saturation patrols, sentencing enhancements, and other strategies.

At school and on the street, gang experts agree that although suppression is the most common anti-gang strategy, it is viewed as the *least effective* means to deal with gang problems.<sup>41</sup> Several researchers have noted that youth and adult gang problems have not decreased appreciably in areas where only suppression programs are implemented.<sup>42</sup> Fearn *et al* note that, “by itself, suppression will not affect the growth of gangs or the crimes committed by gang members.”<sup>43</sup>

In schools, suppression is similarly ineffective. Principals agree that expelling students is not a solution, and only pushes the problem onto the street and into the community. School-based suppression efforts may actually have the unintended effect of increasing the cohesiveness of gangs, thereby exacerbating the gang’s effect on the school environment.<sup>44</sup>

The Office of Juvenile Justice and Delinquency Prevention (OJJDP) has developed a model for dealing with gang problems that has been widely

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<sup>39</sup> This shift toward suppression, and away from prevention/intervention, correlates with a similar shift on the national level which has been associated with a general shift toward political conservatism at that time.

<sup>40</sup> Findings—Intent—[1997 c 266], following RCW 28A.600.455.

<sup>41</sup> Fearn, N.E., Decker, S.H., and G.D. Curry (2001), p. 313.

<sup>42</sup> Howell, J.C. (2000), p. 23.

<sup>43</sup> Fearn, N.E., Decker, S.H., and G.D. Curry (2001), p. 313.

<sup>44</sup> Beres, L.S., and T.D. Griffith (2004), p. 947.

implemented and shown to be effective.<sup>45</sup> The foundation of the model is the three-pronged approach described above, as well as an assessment of local gang problems and mobilization of the community.

The Gangs in Schools Task Force finds that a balance of prevention, intervention, and suppression is necessary to address gang issues longterm, and further finds that programs addressing gangs and the at-risk youth they serve must be continually funded if the cycles of gang activity are to be reduced in amplitude. The focus of anti-gang efforts in Washington has been on suppression recently, including new crimes and sentencing enhancements as a result of the Gang Crimes Work Group created by the 2007 legislature.<sup>46</sup> Unfortunately, funding and support for prevention and intervention programs has not accompanied increased suppression efforts, and prevention/intervention funding in SSB 5987 was actually vetoed subsequent to the last legislative session.<sup>47</sup>

**D. Intimidation of staff and students by gang members is one of the most significant impacts that gangs have on the educational environment and perceptions of school safety.**

In forums and meetings across the state, members of the task force heard from school administrators, civic leaders, school resource officers, community members, parents, students, and others. When asked about the effect of gangs on the school environment, these stakeholders invariably spoke to the intimidation of staff and students. The intimidating effect of gangs with a reputation for violence and criminal activity creates an environment in schools where *students and staff fear retaliation for reporting or addressing gang behavior.*

Although student input to the task force was limited due to concerns about safety, one forum was held with a number of high school leadership students from schools across the state. The experiences of those students varied from having no knowledge of gangs to being aware of gangs in their school and being intimidated by them. One important observation from this student forum is that students from areas not greatly impacted by gangs are naïve about gangs and gang activity. For example, one student from a small town in Western Washington observed that there were students in her school who claimed membership in the Little Valley Locotes (LVL), but she didn't think this was a "serious" gang. To the contrary, this gang started in the Yakima Valley and is now active in several areas across the state and heavily involved in drug dealing.<sup>48</sup> This example points to the need for some level of gang awareness for students, likely as part of prevention programs.

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<sup>45</sup> Howell, B. (2000).

<sup>46</sup> See SSB 5987 (2007).

<sup>47</sup> SSB 5987 included provision for prevention/intervention grants and graffiti abatement grants. The prevention/intervention grants were vetoed by Governor Gregoire.

<sup>48</sup> Dennis Turner, Building The Bridges.

When students described intimidation by gangs, they stated that it was more frequently psychological as opposed to physical, although physical victimization does occur. One young man described having to walk the school hallways in a group for protection from gangs who would otherwise bully, intimidate, or harass students. Less popular and “weaker” or more vulnerable students are the more frequent targets of the harassment of gangs. Students explained that they were particularly fearful of gang members due to the *reputation* for violence, not because of violence previously directed at them.

Adding to the intimidation is the perception that if a student disrespects or wrongs one gang member, retaliation could come from any other gang member. Gang culture insures that no act that disrespects the gang will go unanswered.<sup>49</sup> Research shows that in schools with gang presence, the likelihood of violent victimization is significantly greater.<sup>50</sup> One student observed, “you never know when or where it is going to come.” Fear of retaliation actually contributes to an underestimation of gang activity in schools, because incidents are less likely to be reported.<sup>51</sup>

Intimidation occurs not only between classes and in common areas, but in the classroom as well. Gangs intimidate both students and staff. One student described being intimidated in the classroom by gang members who were off task and disrupting the learning process. He observed that not only were students intimidated, but that the teacher also seemed to be intimidated because she would not address the disruption by the gang-associated students.

Additionally, school staff may fear retaliation or “pay back” when discipline of a gang member is necessary. A school administrator in a gang-affected community relayed that after disciplining a younger sibling of a gang member, her house was tagged with disrespectful and intimidating words and symbols; she said she did not report the incident to the police for fear of further retaliation by the older brother or his gang.

Students also spoke to intimidation when en route to and from school, whether walking or on the school bus. Again, students reported walking in groups for protection, and stated there were some places, “you just don’t go.” Younger students walking to and from school are reportedly subjected to harassment by gangs, and become associated with gangs both to eliminate the harassment and to gain the protection of the gang.

When discussing gangs and schools, most attention is typically focused on “criminal street gangs” and associated students; however, there is another

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<sup>49</sup> Valdez, A. (2008).

<sup>50</sup> Howell, J.C., and J.P. Lynch (2000), p. 1.

<sup>51</sup> Noted gang expert Al Valdez hypothesizes that statistics on gang crimes and gang victimization in schools may underestimate the actual problem due to fear of retaliation. As he states, “when there is no victim, there is no crime.”

type of gang<sup>52</sup> that has an equally negative effect on the school environment. In some areas of our state, *hate groups* are active in communities and schools, and their intimidation in the school is as detrimental as that of street gangs.<sup>53</sup> Considering that street gang violence tends to be gang-member-on-gang-member, however, it should be noted that hate group violence is usually targeted at specific racial, ethnic, cultural, or sexual preference groups.<sup>54</sup> Because hate groups often lack the outward indicators associated with gangs, schools may not perceive them in the same way as street gangs. In fact, the current definition of “gang” under RCW 28A.600.455 would be difficult to apply to most hate groups in schools because of the necessity to show collective criminal activity.<sup>55</sup>

The intimidation of students by gangs stifles the learning process of the victims. Educators are introduced to Maslow’s “Hierarchy of Needs” in their preparation programs, and realize that students need to feel safe if they are going to learn effectively. Students in forums articulated that they don’t learn when they are worried about what will happen in the hallway between classes. Therefore, the psychological effect of gang intimidation in our schools has a significant negative impact on academic progress. Clearly, intimidation is the most significant effect that gangs have on our schools.

#### **E. Schools do not have a uniform approach to addressing gang activity or gang-associated students.**

Across Washington, there is a notable lack of consistency in how schools deal with gangs. Even across districts, there is a lack of consistency in how individual school administrators address the problem of gangs. The policies and responses of districts cover the spectrum from inaction to over-reaction, at one end warranting concern for safety and in other cases warranting concern for student rights. The task force recognizes the need for consistency in how schools and districts deal with gang issues.

Because some small towns and rural areas are experiencing gang activity for the first time, there are districts which lack the knowledge to recognize gang activity and implement appropriate discipline policies. At the other end of the spectrum are the larger urban and suburban areas that have been dealing with gangs since the late 1980s, and which have strong discipline policies and practices for addressing gang activity. Between those two extremes are

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<sup>52</sup> The term “gang” is not defined universally. In most instances, hate groups are considered “extremist groups” as opposed to “street gangs.” In the context of the school, however, hate groups have the same effect as street gangs on the school environment, and may be considered “gangs.” This is consistent with the task force recommendation to include intimidation as an element of criminal activity in the definition of “gang” for schools.

<sup>53</sup> NW gangs ([www.nwgangs.com](http://www.nwgangs.com)).

<sup>54</sup> Valdez, A. (2008), and T.J. Leyden (2007).

<sup>55</sup> RCW 28A.600.455 requires that a student be a “member of a gang” to impose suspension or expulsion for that cause. Establishing membership is problematic in the case of student hate groups, because of the necessity to establish “identifiable leadership” and cooperative “criminal activity” of the group. This issue is addressed in Recommendation 1 of the task force.

the districts with emerging gang problems and various levels of knowledge and experience. Some of the inconsistency between schools is explained by the fact that most administrators learn about gangs on the job; there is no standard gang training for new principals, and the availability of training for school principals is often limited by time, location, and cost.

When administrators lack gang awareness training, they may be unaware of gangs operating in their schools. This can create unsafe situations where gangs are able to operate unfettered within the school. In communities where gangs are a new phenomenon, law enforcement may also lack the experience to recognize gang activity. For example, juvenile justice professionals in a Western Washington county with emerging gang problems maintained in a meeting that gangs were not present in their area—until it was pointed out that a table leg in the courtroom where they were meeting was tagged with “Sur 13” indicating a Hispanic gang.<sup>56</sup> Similarly, an administrator from a small coastal district conveyed how she was unaware that the clothing being worn by a new student was gang related until she attended a gang awareness session and was suddenly enlightened.

Just as no awareness of gangs can be dangerous, some administrators with limited knowledge and understanding of gangs may over-react to perceived gang activity. The task force heard from one school administrator who stated that any student who engaged in “gang-like” behavior at his school was immediately emergency expelled. This is an example of how student rights may be violated due to the lack of consistent anti-gang policies, minus state guidance on discipline for gang-associated behaviors. There is also concern that anti-gang school policies based on misinformation, and not carefully constructed, may fall disproportionately on minority populations.<sup>57</sup>

State law does not provide for discipline of students for “gang-like” behaviors, nor does the scenario in the previous paragraph warrant emergency expulsion under the current Washington Administrative Code (WAC).<sup>58</sup> Due to the inconsistencies found across the state, the task force has recommended the development of model policy and procedure on gangs and a mandate that all districts have an anti-gang policy. Additionally, the task force has recommended that a WAC be developed to clearly define the

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<sup>56</sup> The tag “Sur 13” indicates a local gang set that associates with the larger “Sureno” group of gangs—a street gang arm of the Mexican Mafia.

<sup>57</sup> Beres and Griffith (2004), p. 936. See also RCW 28A.320.140(5) which authorizes districts to prohibit students from wearing gang-related apparel, the wearing of which may be considered “gang activity.”

<sup>58</sup> WAC 180-40-295 Emergency expulsion—Limitations. Notwithstanding any other provision of this chapter, a student may be expelled immediately by a school district superintendent or a designee of the superintendent in emergency situations: Provided, That the superintendent or designed has good and sufficient reason to believe that the student’s presence poses an *immediate and continuing danger* to the student, other students, or school personnel or an immediate and continuing threat of substantial disruption of the educational process (emphasis added). Minus any definitive identification of a student as an active gang member, it is difficult to construe “gang-like behavior” as posing an “immediate and continuing danger.”

types of behavior that objectively constitute “gang activity” and the appropriate disciplinary steps for gang-related infractions.<sup>59</sup>

The task force heard from multiple sources that one reason for lack of action on the part of schools is the denial of gang activity by some school administrators.<sup>60</sup> Even in communities with obvious gang activity, some school administrators continue to deny any gang presence in their schools. This is illogical, as the Justice Department notes,<sup>61</sup> but consistent with national research.

A nationwide survey of 1279 schools indicated that 36 percent of principals reported a gang problem in their community, but only 5 percent of principals reported gang problems in their school.<sup>62</sup> The hesitancy of principals to admit gang problems in their schools is an impediment to implementing effective anti-gang programs, which require an accurate assessment of the nature of gang activity in the school and community.<sup>63</sup> The knowing denial of gang problems by some principals is also an impediment to any proposed data collection or reporting program, and may render any resultant data set suspect.

Although administrator denial of gang activity may stem from a lack of training or knowledge, in most cases it is an effort to preserve the image of the school or district.<sup>64</sup> Principals fear that admitting the presence of gangs in their schools will result in the perception that their school is unsafe.<sup>65</sup> The task force perceives that denial of gang presence may be the result of pressure to portray schools as safe, in the interest of maintaining public support for levies. As one principal told the task force, “I’m not here because I have a problem in my school, I’m here for information. If I admitted I had a gang problem in my school, I would be looking for a job next year.”

The OJJDP model embraced by the task force is founded on an assessment of gang activity in the community, including the school. Accurate information is critical to the assessment process and creating a community-specific anti-gang plan. Although the task force has not specifically addressed a means to deal with denial of gang issues, it is a problem that begs for a solution. Until school leaders are willing to admit gang presence in their schools, they

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<sup>59</sup> The task force intends that WAC would specify appropriate interventions before suspension could be imposed for “gang activity,” similar to the interventions that must be imposed before a student can be suspended for unexcused absences. This would address lesser gang-related infractions, and would not impede the ability to suspend for “exceptional misconduct” as provided in the code.

<sup>60</sup> The problem of school administrator denial of gang problems is a national phenomenon. Beres and Griffith (2004) note that “principals may fear that admitting to a gang problem will undermine their own reputation and that of the school.”

<sup>61</sup> Beres and Griffith (2004), citing Gottfredson and Gottfredson (2001).

<sup>62</sup> Gottfredson, G.D., and D.C. Gottfredson (2001).

<sup>63</sup> OJJDP (2002), Comprehensive Gang Model.

<sup>64</sup> Project Safe Neighborhoods Training, August 2008, Spokane, Washington.

<sup>65</sup> Beres and Griffith (2004).

cannot be an effective partner in anti-gang initiatives, and there can be no progress toward a solution to gangs in schools.

The lack of uniform approaches to gang issues in schools relates to task force recommendations on model anti-gang policies, mandated reporting of gang incidents, and basic gang awareness training for school personnel.

**F. Administrators, teachers, and other school staff lack current information on gangs, gang indicators, and gang activity.**

As explained previously, many school administrators have not been trained on gang awareness, identification, current gang activity, or methods to deal with gang members in their schools.<sup>66</sup> Even fewer teachers, counselors, and support staff are trained in gang awareness and interventions. The lack of training seems most pronounced in smaller communities and rural areas that have not yet experienced gang problems, but even administrators in areas with significant gang problems often start their tenure with little or no knowledge and face a steep learning curve.

Basic gang awareness training is especially important for administrators, counselors, and school security personnel. These staff need to recognize gang indicators, both to ensure school safety and security and to recognize the need for intervention services in younger students. Teachers also benefit from gang awareness training, but the training is probably less critical for them than the others noted.<sup>67</sup>

Because of the evolving nature of gangs, ongoing training opportunities are important if school staff are to remain current on gang trends. For example, in the 1990s much of the training on gangs focused on gang clothing and colors. As both police and school personnel began to crack down on “rags” and obvious gang clothing, however, gang members developed less conspicuous means to identify their allegiances. School personnel in the most gang-affected areas, therefore, need opportunities for ongoing training and a means to exchange information about the latest active gangs, gang indicators, and gang activity.

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<sup>66</sup> In a national survey, only 16.4 percent of schools indicated that there was any mandatory gang awareness training of teachers or administrators. See Knox (2008).

<sup>67</sup> Some administrators voiced concern over providing gang awareness training to teachers, believing that some teachers would have a tendency to focus on single indicators and over-report gang activity or erroneously perceive students as gang members based only on clothing. Any training provided to school staff needs to provide information on the necessity to consider multiple identifiers when determining a student’s association with gangs.

**G. Most schools and communities lack the resources to address growing gang issues.**

A recurring message in forums with school administrators and civic leaders was the lack of resources to effectively address gang problems in their schools and communities. Schools struggle not only for funding, but also for the personnel and time to address gang issues. The task force was asked by school administrators to be sure that no additional unfunded mandates were added to their current burden. Civic leaders also noted that they lack the culturally competent resources and funding to support intervention services that could reduce gang problems in their communities.

Although all schools must deal with a shortage of resources, the challenge to find resources for both intervention and suppression hits small districts especially hard. Small districts struggle to fund school resource officers and school security officers which could help suppress gang activity on their campuses, and usually lack access to intervention services for gang-associated students. It should be pointed out that all districts now must find funding for campus safety and security which has never been included in the basic education allocation, and in districts with significant gang issues, the additional cost of security detracts from instructional funding.

The message that was clearly communicated to the task force was that ongoing support is needed if communities and schools are going to address their gang issues. Although grants were welcomed, schools need ongoing support that doesn't expire at the end of the biennium. Clearly, this points to a need to incorporate support for comprehensive at-risk programming and campus security into the basic education allocation.

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## VI. Recommendations

The task force developed seven (7) recommendations during 2008 to address the problem of gangs in schools. These are presented in no specific order, and have not at this time been prioritized by the committee.

### A. Revise the School Definitions of “Gang” and “Gang Activity”

*The task force recommends revision of RCW 28A.600.455 for consistency with criminal code, to include intimidation as an element of the school definition of gang activity, and to provide for OSPI development of WAC for gang-identification protocol, definition of “gang activity,” and to address other gang-related disciplinary issues.*

#### Relevant Findings of the Task Force:

- Intimidation of staff and students by gang members is one of the most significant impacts that gangs have on the perception of school safety and the educational environment.
- Intimidation of staff and students constitutes criminal activity under RCW 28A.635.100,<sup>68</sup> but is typically not recognized as such; under the current school definition of a gang, engaging in criminal activity is a critical element to establish gang membership.
- Administrators’ lack of knowledge of criminal activity impairs the identification of students as gang members, and limits the ability to impose disciplinary sanctions under the current statute.
- Schools do not have a uniform means to determine whether a student is a member of a gang, which generates difficulties in upholding suspensions for gang-related infractions when a suspension is appealed to a hearing officer.
- Schools do not have a uniform definition of what constitutes “engages in gang activity on school grounds,” which results in inconsistent application of discipline.
- Anecdotal reports indicate that the lack of consistent definitions and policies lead some schools to over-react to perceived gang activity while other schools fail to take action to address gang activity.

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<sup>68</sup> RCW 28A.625.100 provides that it “shall be unlawful for any person, singly or in concert with others, to intimidate by threat of force or violence any administrator, teacher, classified employee, or student of any common school who is in the peaceful discharge or conduct of his or her duties or studies.” Violation of this section is a gross misdemeanor.

- In cases of over-reaction, student rights may be violated; in the case of failure to recognize or address gang activity, student and staff safety may be compromised. Consistency is necessary to protect all students.
- No reliable means to assess gang activity in schools currently exists—the lack of data impairs the development of sound policies and program recommendations to address gangs in schools.

### Discussion:

The current statute that authorizes school districts to suspend or expel students for gang activity is RCW 28A.600.455, enacted in 1997 (see Appendix II). Legislative intent for this statute is cited as providing the “authority to restore order and safety to the learning environment, eliminating the influence of gang activities.”<sup>69</sup>

The statute as written requires two elements to impose suspension or expulsion for gang activity:

1. the student is a member of a gang, *and*
2. the student *knowingly* engages in gang activity on school grounds.

Demonstrating that a student is a member of a gang relies on a definition with three components:

1. the group consists of three or more persons;
2. the group has an *identifiable* leadership; *and*
3. the group, on an ongoing basis, conspires and acts in concert *mainly* for criminal purposes.

The task force received considerable input on how schools use student discipline to suppress gang activity on campus. The input came primarily from school administrators, but also from law enforcement, school security, parents, students, and community members. What is evident from the work of the task force is that there is a spectrum of approaches to school discipline related to gang membership and gang activity. On one end of the spectrum are districts which strictly adhere to the statutory language, to the point of being limited by it. On the other end of the spectrum are districts which impose discipline for gang activity and “gang-like activity” irrespective of statutory and other legal restrictions. The majority of school districts fall somewhere between these extremes.

Some districts find that the ability to impose discipline for gang-related behaviors is limited by the statutory requirement to demonstrate

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<sup>69</sup> Findings—Intent—1997 c 266, paragraph 5.

membership in a gang. An official of the Spokane School District noted that proving gang membership is difficult because of the requirements to establish an identifiable leadership and conspiracy to act in concert *mainly for criminal purposes*. Proving that the group has an identifiable leadership has become even more difficult recently as there has been an evolution toward “hybrid gangs” which are more loosely organized and may not have a clear leadership.<sup>70</sup>

Even when a gang-involved student is associated with an established and active gang or “set,” the leadership of that group is most likely an older gang member not known to the school administration. The task force struggled with the “identifiable leadership” element of the definition, because in the example of a regional or national gang such as the Sureños, Black Gangster Disciples, or Crips it is obvious that there is a larger organization and leadership but difficult or impossible for a school administrator to establish. The district official from Spokane noted that the district therefore does not use the current statute because the district will likely lose if the matter goes to a disciplinary hearing.

On the other extreme are districts which apparently do not attempt to prove gang membership under the statute, including some with policies which suspend students for “gang-like behavior.” As provided previously, one administrator from the Puget Sound region stated that his school emergency expels<sup>71</sup> any student who engages in what the school defines as “gang-like behavior” including any “rag” or other gang-like clothing.<sup>72</sup> In this school, there is apparently no attempt to prove either gang membership or that the student *knowingly* engaged in gang activity on school grounds. Similar accounts were heard from other districts; it seems that many districts interpret any sign of gang association—including clothing which may be “gang-like”—to be grounds for discipline. This practice may be cause for concern<sup>73</sup> over due process and disproportionate discipline.

Proving that a group acts in concert “mainly for criminal purposes” is also problematic for school disciplinarians. Although police officers and school resource officers (SROs) may have information on criminal activities of gang members, usually school administrators do not (or cannot use their

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<sup>70</sup> Dennis Turner, Building the Bridges, personal communication.

<sup>71</sup> WAC 392-400-295 provides for “emergency expulsion” when there is “good and sufficient reason to believe that the student’s presence poses an *immediate and continuing danger to the student, other students, or school personnel*” or continuing threat of substantial disruption of the educational process.

<sup>72</sup> Community forum in Marysville, 2008.

<sup>73</sup> RCW 28A.320.140 authorizes districts to adopt dress codes, including prohibiting students from wearing gang-related clothing. The statute requires that school boards establish policies “to notify students and parents of what clothing and apparel is considered to be gang-related.” By statute, this notice must be provided before any discipline may be imposed. In practice, however, many district policies and student handbooks offer less-than-specific guidelines on prohibited clothing, instead providing broad statements of prohibited dress. Examples include “wearing clothing that has known gang affiliations;” dress that indicates a “possible membership in a gang or hate group;” “dress that . . . communicates gangs;” “clothing which symbolizes gangs;” and “gang type dress.”

knowledge due to confidentiality).<sup>74</sup> Sharing of this information is limited by rules of confidentiality. Thus, an important element for establishing gang membership is usually beyond the ability of school administrators to use, restricting the ability to impose discipline.

Gangs may function largely to intimidate other students and staff, and gang presence in schools creates a hostile and intimidating environment. This effect was noted by administrators, parents, and students as probably *the most significant impact gangs have on schools*. Under 28A.635.100, intimidating any administrator, teacher, classified employee, or student by threat of force or violence is a gross misdemeanor. Under 9A.46.120, the act of criminal gang intimidation—defined as threatening a student with bodily injury for withdrawing from or failure to join a gang as defined under 28A.600.455—is a class C felony.<sup>75</sup>

Given these statutes, intimidation by gang members is clearly criminal; however, it is not clear in 28A.600.455 that intimidation constitutes the “criminal activity” element of the statute. Clarification of this element of the statute could serve schools which struggle to define hate groups, including Skinheads and other white supremacist groups (or other racially exclusive groups), as gangs.<sup>76</sup>

The task force noted that inconsistencies between statute 28A.600.455 and WAC Chapter 392–400 may point to the need for revision to provide for consistency and clarity. As written, this statute and WAC are in conflict on student discipline; this statute does not limit suspension or expulsion of younger students, whereas WAC does. Under Chapter 180–40–260, no student in kindergarten through fourth grade may be long-term suspended or subject to short-term suspensions totaling more than 10 days in a semester;<sup>77</sup> although not specified in WAC, it follows logically that no student in kindergarten through Grade four should be subject to expulsion.<sup>78</sup> These WACs were written subsequent to RCW 28A.600.015,

<sup>74</sup> It is common for administrators and law enforcement to share knowledge in the best interest of school and student safety; however, the administrator may not be able to use that information for discipline because it was not acquired through “proper” channels. The task force will be considering the issues of information sharing and intelligence gathering during 2009. The committee recognizes, however, that the current restrictions on sharing information between law enforcement, school officials, and others that work with gang-associated youth can impede their ability to act in the best interest of the youth.

<sup>75</sup> RCW 9A.46.120 – Criminal gang intimidation. A person commits the offense of criminal gang intimidation if the person threatens another person with bodily injury because the other person refuses to join or has attempted to withdraw from a gang, as defined in RCW 28A.600.455, if the person who threatens the victim or the victim attends or is registered in a public or alternative school. Criminal gang intimidation is a class C felony. [1997 c 266 § 3].

<sup>76</sup> Skinheads and other hate groups cannot typically be suspended or expelled under the current gang statute because they do not conspire to engage in criminal activity, and often have no identifiable leadership. Additionally, these hate groups are often not considered to be “gangs” by either law enforcement or school administrators.

<sup>77</sup> WAC 180-40-260, (4) Kindergarten through grade four—No student in grades kindergarten through four shall be subject to long-term suspension during any single semester or trimester, as the case may be, and no loss of academic grades or credit shall be imposed by reason of the suspension of such a student.

<sup>78</sup> The inconsistency between this section WAC 180-40-260 and 180-40-275 needs to be addressed in upcoming revisions of the code.

originally passed in 1970s after the Supreme Court outlined due process requirements in the *Goss v. Lopez* case.<sup>79</sup>

Statute 28A.600.455, however, was subsequently written in 1997, with no provision to limit suspension or expulsion of younger students who engage in gang activity or provide that such exclusions adhere to the due process provisions of WAC Chapter 392–400.<sup>80</sup> The task force heard from administrators that students as young as fourth grade had been expelled due to parents sending them to school in gang-like attire. Given the significant academic and psychological impacts of lengthy school removal of younger students, and the developmental stage of younger students, expulsion is probably an excessive consequence. This is an issue that warrants legislative clarification of intent.

Finally, there may be a need to consolidate statutes that relate to the district's ability to address or discipline for gang-related behavior. Although RCW 28A.600.455 addresses the ability of schools to discipline for gang activity, RCW 28A.320.140 addresses the ability of districts to develop dress codes that prohibit gang-related attire. Consolidation of statutes would ensure that districts and other interested parties find all laws pertaining to gangs in schools in a single section.

#### Recommended Statutory Elements:

The task force recommends revision of RCW 28A.600.455 to address the issues raised in the discussion above. Specifically, the following elements are recommended to be incorporated into this statute:

- a. Revise the statute to eliminate the requirement of establishing gang membership to impose discipline;

or

Revise the definition of “gang” to eliminate the requirement to show identifiable leadership of the group (the task force recommends adopting the definition of “criminal street gang” in RCW 9A).<sup>81</sup>

- b. Define criminal gang activity in schools to include intimidation by force or threat (RCW 28A.635.100), criminal gang intimidation (RCW 9A.46.120), and other behavior that

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<sup>79</sup> See *Goss v. Lopez*, 419 U.S. 565.

<sup>80</sup> The statute makes no reference to the age of students or to the need to adhere to provisions in WAC.

<sup>81</sup> RCW 9A.030 (15) “Criminal street gang” means any ongoing organization, association, or group of three or more persons, whether formal or informal, having a common name or common identifying sign or symbol, having as one of its primary activities the commission of criminal acts, and whose members or associates individually or collectively engage in or have engaged in a pattern of criminal street gang activity.

*can be reasonably expected to create an intimidating or hostile environment in the school.*<sup>82</sup>

- c. Clarify in statute that discipline imposed for gang activity must be applied consistent with other disciplinary statutes and WACs.
- d. Provide authorization for the Superintendent of Public Instruction to promulgate rules pertaining to discipline for gang-related behavior, including reasonable standards for identification of gang members, definitions of gang activity, and limits on disciplinary exclusions from school.
- e. Include the Gangs in Schools Task Force in the development of rules as described above.
- f. Require that districts annually report to the Superintendent of Public Instruction all suspensions or expulsions imposed for gang-related behaviors,<sup>83</sup>  
and/or
- g. Require that districts annually report all gang incidents in each school.<sup>84</sup>

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<sup>82</sup> One approach to defining “criminal activity” as proposed for this section would be to include a list of infractions which are deemed to constitute criminal activity. This approach was used in defining “pattern of criminal street gang activity” under RCW 9A.94.030 (36).

<sup>83</sup> OSPI currently requires school districts to report annually on certain suspensions and expulsions, as well as drug/alcohol and weapons incidents as required by Federal law.

<sup>84</sup> The difference between suspension/expulsion and incidents is subtle but important. In the case of incidents, a single gang-related fight can lead to multiple suspensions/expulsions as recently occurred in Mount Vernon (see Skagit Valley Herald, October 16, 2008). However, requiring the reporting of incidents may also capture lesser infractions which do not warrant suspension. The need for information should be balanced against the burden on districts to comply with the reporting requirement.

## **B. Establish School Safety Zones in Statute**

*The task force recommends the creation of a new statute, authorizing the creation of 1000-foot “school safety zones” from which persons may be excluded if they are engaging in activity which warrants alarm for the safety of staff or students or which causes a substantial disruption of the educational process.*

### Relevant Findings of the Task Force:

- The presence of gang activity in the vicinity of schools poses as much or more threat to staff and students as the presence of gang members in the school.
- Gang members engage in intimidation as students come and go from school, increase tensions by “flashing signs” or gestures, and engage in other behaviors that potentially lead to violence.<sup>85</sup>
- Gang members are also known to traffic drugs and weapons in neighborhoods around schools.<sup>86</sup>
- Although current law allows persons to be trespassed from school grounds or facilities, school officials and law enforcement currently lack the authority to protect the areas adjacent to schools.
- Students who are suspended or expelled often loiter in the vicinity of the school, sometimes creating concerns about safety and/or disruption of the educational environment.
- Similar federal and state provisions are already in place relating to firearms in the vicinity of schools (Gun-Free School Zones Act of 1995),<sup>87</sup> and possession or distribution of controlled substances in the vicinity of schools.
- The 1000-foot school safety zone is consistent with other efforts to protect students, staff, and the neighborhoods immediately adjacent to schools.

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<sup>85</sup> Valdez, A. (2005), p. 467, citing Arnet and Walsleben (1998). Office of Juvenile Justice and Delinquency Prevention, Department of Justice. Additionally, some states have considered legislation which criminalizes harassment, intimidation, or recruitment of students on their way to and from school. The Safe Routes to School program is an effort to address, among other things, the problem of gang intimidation en route to school.

<sup>86</sup> Office of Juvenile Justice and Delinquency Prevention, and Al Valdez, personal communication.

<sup>87</sup> PL 104-208, 18 USC § 922

### Discussion:

School districts make efforts to reduce or eliminate gang activity *on their campuses*; however, they are essentially powerless to reduce or eliminate gang activity in the neighborhoods surrounding their schools. Through concerted efforts to suppress gang activity on campus, including the suspension and expulsion of gang members, schools become relatively safe “islands” in sometimes less-than-safe neighborhoods. In fact, when schools suspend or expel students, they effectively push gang-associated students into the community and onto the streets around schools.

Parents and administrators have shared during meetings and forums that students are intimidated, threatened, and recruited by gang members on the way to and from school. Some students affiliate with or join gangs to prevent this intimidation or to have the protection of other gang members; others simply live in fear.<sup>88</sup>

To make their buildings safer, school officials can suspend or expel students who engage in gang behaviors at school. The task force heard from many principals, assistant principals, and school resource officers, however, that they can only push students to the edge of school property. All too frequently, the student who is expelled for being a risk to the safety of staff and students ends up across the street from the school where he or she continues to interact with other students, disrupt the school, and sometimes engage in criminal activity.

The area around the school can also be a magnet for older gang members who seek to recruit students into the gang, stir up trouble with rival gang members, traffic drugs, or engage in other nefarious activity. Some schools have had incidents where non-student gang members have come to campus to start gang fights. School officials are powerless to do anything about gangs near the school, and SROs and security officers have only limited tools available. One SRO told the task force he spends a large portion of his day patrolling the perimeter of the campus, where gang-associated youth congregate, and he “can only move them along.”

The police lack the authority to effectively assist the schools with this problem, unless the persons are disturbing the peace or otherwise engaged in obvious criminal behavior. The presence of suspended students, gang members, and others in the vicinity of the school campus may *warrant* rational concerns for the safety of staff and students, but there is no enforcement tool currently available to address these safety concerns.

The proposed “school safety zones” are consistent with other statutory efforts to make the areas in the vicinity of schools safe. Existing federal and state statutes already establish zones around schools where certain

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<sup>88</sup> Valdez, A. (2005), p. 467, and student input to members of the task force.

activities are limited, prohibited, or where penalties for criminal activity are increased. The Gun-Free School Zones Act (Act) establishes a 1000-foot zone around all schools in which possession or transport of firearms is prohibited except for certain narrow exceptions; the Act exempts private property and those persons licensed to carry a concealed firearm, but has no requirement to demonstrate that the person in possession of a gun is a threat to the school.<sup>89</sup> Violation of the Gun-Free School Zone Act is punishable by up to five years in prison or a \$5,000 fine, or both.<sup>90</sup> Washington statutes mirror the Act closely, but actually are more restrictive than federal law requires.

Similarly, RCW 69.50.435 provides for enhanced sentencing for drug offenses committed within 1000 feet of a school or a school bus stop. This statute adds up to 24 months to the standard sentencing range for drug offenses committed in these protected zones.

A nonexhaustive search reveals that similar provisions have been considered by other states. As a response to gangs near schools, Oregon legislators in 1999 proposed 1000-foot zones around schools where loitering would be prohibited.<sup>91</sup> This proposed legislation was defeated, however, due to being overly broad and vague. In contrast, however, this “school safety zone” recommendation sets a high standard for enforcement, requiring an officer or administrator to be able to articulate a rational reason that a person’s presence or behavior *warrants alarm for the safety of staff or students, or the substantial disruption of school operations*.<sup>92</sup> Additionally, the recommended “school safety zone” would initially exclude a person from the vicinity of the school rather than provide for arrest or citation.

California addressed the need to create safe zones around schools with penal code section 626 (CPC 626). While not extending to a 1000-foot radius around school properties, this section does permit school administrators and police to direct a person to leave sidewalks and public ways adjacent to school grounds if that person’s presence or acts interfere with or disrupt the school or pupils.<sup>93</sup> Extending the effect of this model statute to a 1000-foot radius adds the issues of private properties; the task force has addressed this concern in the proposed statutory elements.

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<sup>89</sup> 18 USC § 922

<sup>90</sup> *Ibid.*

<sup>91</sup> Oregon Senate Bill 844, OSL 1999.

<sup>92</sup> See, for example, *State of Washington v. Casad, No.35333-4-II Appellant*. In that case, the Court held that the defendant’s walking through town with partially wrapped rifles did not “warrant alarm” for the safety of others considering all the attendant circumstances, as required by the language found in RCW 9.41.270(12). The court notes that behavior that might be “shocking” to others does not rise to the threshold of reasonably warranting alarm.

<sup>93</sup> California Penal Code, Chapter 1, § 626.8(a)

Similar to the school safety zone proposed by the task force, CPC 626 makes it a misdemeanor to (1) refuse to leave after being asked to by an authorized person, (2) return to the area within seven days of notice, or (3) otherwise establish a continued pattern of unauthorized entry (See Appendix IV). California's code also enhances the sentences for convicted felons who violate CPC 626.8, enhances sentences for gang crimes committed within 1000 feet of a school, and prohibits convicted drug offenders from entering school grounds or remaining there without specific permission from the school administrator.<sup>94</sup> California's statute has been challenged on constitutional grounds and has been upheld by the courts.<sup>95</sup>

The creation of safe school zones and the ability to exclude persons from these zones under certain limited conditions is one task force recommendation that has been almost universally supported by school principals and school resource officers. The task force heard numerous times that this is a tool that is desperately needed to help principals keep schools and students safe.

#### Recommended Statutory Elements:

The task force recommends development of a statute that establishes "school safety zones" from which persons may be excluded if they are engaging in activity that significantly disrupts school operations or if their presence *warrants reasonable alarm* for the safety of staff and students. Specifically, the following elements are recommended to be incorporated into a new "school safety zone" statute:

- a. Establishes a "school safety zone" extending 1000 feet from the perimeter of any public or private school or school facility, while being used by students or school staff.<sup>96</sup>
- b. Makes it unlawful for individuals to remain in a school safety zone or return to that zone within 24 hours after notification by a school administrator, designee, or law enforcement officer that their presence and activity is causing a substantial disruption of the educational process.

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<sup>94</sup> The task force did not consider these elements of the California Penal Code, instead focusing on the gang issues assigned by the Legislature. In looking at a comprehensive approach to improving campus safety, these elements of CPC may be additional elements of a school safety zone statute that the Legislature should consider.

<sup>95</sup> Geis, G. (2002), p. 263.

<sup>96</sup> The task force only considered safety zones around school facilities and properties. In contrast, RCW 69.50.435 enhances sentencing for VUSCA within 1000 feet of school bus stops as well. Consideration may be given to California's statute, which prohibits convicted felony drug offenders within 1000 feet of a school when staff or students are present *and thirty minutes before and after school hours*.

- c. Makes it unlawful for individuals to remain in a school safety zone or return to that zone after being notified by any authorized school administrator, designee, or law enforcement officer that their presence and activity *warrants reasonable alarm* for the safety of school staff or student.<sup>97</sup>
- d. Provides exemptions for owners and occupants of real property within the school safety zone if they immediately cease the disruptive activity or if the person warranting alarm for safety remains on said property.
- e. Provides an exception for transit through the school safety zone by persons under an exclusion order if no other reasonable route is available or if the person is coming and going from real property owned or legally occupied by the person.
- f. Requires notice to be given to a person being excluded from a school safety zone at the time the exclusion is imposed, and allowing for verbal notification for exclusions of 24 hours or less and written notification for exclusions greater than 24 hours.
- g. Requires that exclusion orders exceeding 24 hours or issued due to concerns for the safety of staff and students be reported to the local law enforcement agency within 24 hours or as soon as reasonably possible.
- h. Provides for escalating penalties for violation of an exclusion from a school safety zone.
- i. Provides for rapid judicial review, within 15 days, of any exclusion order appealed to the court.
- j. Provides that any person who violates an exclusion order issued for safety concerns and found to be in illegal possession of a firearm or other deadly or dangerous weapon shall be guilty of a class C felony.<sup>98</sup>

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<sup>97</sup> The language “warrants concern” is used elsewhere in RCW, and sets a fairly high threshold for enforcement. For example, in *State of Washington v. Casad* (Washington State Court of Appeals, No. 35333-4-II, unpublished opinion), the Court held that although a man walking through town in the afternoon with a rifle might be unusual, it did not reasonably *warrant alarm* as specified under RCW 9.41.270(1).

<sup>98</sup> Attempts have been made in the last two years to address the issue of firearms on and near school campuses. Prosecutors have voiced frustration with the law as it pertains to persons between the ages of 18 and 21 who are in possession of a concealed handgun on school grounds. Currently, this infraction is a gross misdemeanor under state law although it is punishable by up to five years imprisonment under federal law. The task force with this provision intends to provide greater penalties for possession of illegal weapons near schools.

### C. Grants for School-Based Gang Prevention and Intervention

*The task force recommends the funding of grants to (a) school districts and communities for school-focused gang prevention and intervention programs which embrace a multisystem approach to anti-gang efforts; and (b) projects that adhere to a prescribed model for assessment of gang-involved students, and provide education and intervention services aimed at reintegrating suspended or expelled students into the regular school environment.*

#### Relevant Findings of the Task Force:

- Communities in Washington are experiencing increasing gang-related crime, which has a demonstrable negative impact on the school environment and perceived safety of schools.
- School-age youth are increasingly involved or associated with gangs and gang activities; anecdotal evidence suggests that students as young as Grade four are being groomed for or recruited into gangs.<sup>99</sup>
- Risk factors for gang involvement have been thoroughly researched. Significant risk factors including poor academic performance, low school attachment, and low school commitment are effectively addressed in the school environment.<sup>100</sup>
- Effective anti-gang programs require a multi-systems approach that incorporates prevention and intervention elements in addition to suppression elements. A communitywide approach has been shown to be effective, as evidenced by the programs outlined by the Office of Juvenile Justice and Delinquency Prevention (OJJDP).<sup>101</sup>
- In partnership with communities, schools are an appropriate avenue to deliver gang prevention and intervention services, and school delivery allows these programs to reach the largest segment of the youth population.
- Suppression of gang activity at the secondary school level typically results in suspension or expulsion, which further detaches gang-involved youth from school and may increase their contact with older and more hardened gang members. Exclusion from school transfers the problem from school to community but does not solve the problem.

<sup>99</sup> Dennis Turner, Building The Bridges, as well as Yakima School District administrators. See also Rowe (2008).

<sup>100</sup> OJJDP (2002).

<sup>101</sup> Howell, J.C. (2000), p. 34-37; Wyrick and Howell (2004), p. 22.

### Discussion:

Considerable research has been conducted on the effectiveness of gang prevention and intervention programs since the last peak of gang activity in the late 1980s and early 1990s. This research clearly demonstrates that effective prevention and intervention programs must address the risk factors that increase the likelihood youth will join gangs,<sup>102</sup> as well as provide opportunities for youth to engage in prosocial activities outside of school that provide an attractive alternative to gang involvement.

Although schools are an effective means to access youth for prevention and intervention programs,<sup>103</sup> effective programs require mobilization of the community, as well as partnerships with other community-based agencies and organizations including law enforcement. Additionally, suppression efforts by local law enforcement must be maintained in the community, in order to deter gang activity and reduce recruitment of younger youth. The OJJDP model for gang-prevention programs is widely considered one of the most promising practices,<sup>104</sup> and this model is the basis of the gang-prevention and intervention grants proposed by the task force.

The Legislature has previously embraced the concept of prevention and intervention programs to address the involvement of youth with gangs. In 1993, the “intent of the legislature [was] to cause the development of positive prevention and intervention pilot programs for elementary and secondary age youth through cooperation between individual schools, local organizations, and government.”<sup>105</sup> At that time, those programs were conceptualized as “positive prevention and intervention programs for gang members, potential gang members, at-risk youth, and elementary through high school-aged youth.”<sup>106</sup> These pilot programs were managed through the Department of Community, Trade, and Economic Development (CTED), and grants were made to both school districts and community organizations.<sup>107</sup>

This previous legislative grant program embodies most of the ideas put forth by the task force. As echoed by district officials and those who witnessed the decline of prevention/intervention programming in the 1990s, grants are effective for development of pilot programs; however, provisions need to be made for transition to sustained funding. The risk factors that cause youth to gravitate to gangs do not cease to exist when gang activity is reduced. It is critical, therefore, for the well-being of our

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<sup>102</sup> Wyrick, P. and J.C. Howell (2000).

<sup>103</sup> OJJDP comprehensive gang prevention model.

<sup>104</sup> Howell, J.C. (2000).

<sup>105</sup> RCW 43.310.007. Intent—Prevention and intervention pilot programs.

<sup>106</sup> *Ibid.*

<sup>107</sup> RCW 43.310.020(1)-(4).

youth that permanent prevention and intervention funding be established. Enacting prevention/intervention programs after gang activity has begun to rise are obvious puts those programs behind the curve, and essentially means the opportunity to intervene with some youth is lost.

The task force recommends that grants be provided to a small number of districts and their communities representing the demographic diversity of the state, and that these districts would serve as model programs for gang prevention and intervention models in our state. Grants would be administered by OSPI, with the components of the grant programs defined by the Gangs in Schools Task Force, including annual reports provided to the Legislature.

#### Recommended Grant Program Elements:

Gang-prevention projects funded by grants would conceptually include the elements listed below. It should be noted that the project elements identified by the Gangs in Schools Task Force are similar to gang prevention/intervention grants recommended by the Governor's Juvenile Justice Advisory Committee (GJJAC) and included as an element of SSB 5987.<sup>108</sup> The elements of staff training, consistent districtwide policies, and programs to reduce the length of suspension/expulsion are consistent with other recommendations of the task force.

Recommended grant programs would include:

- A baseline community gang assessment following the model developed by OJJDP, with periodic (annual) assessments to monitor program effectiveness.
- A baseline assessment of the number of gang-associated youth and gang members present in the community and schools of the district, and an assessment of the level and type of gang activity in the schools.
- A multidisciplinary steering committee in the community, consisting minimally of schools, law enforcement, municipal leaders, social service agencies, civic leaders, and faith-based organizations.
- Training for school personnel and other involved agencies on recognizing gang activity and working with gang-associated youth.
- Coordination with other grant-funded intervention/prevention programs, including dropout prevention, Safe and Drug-Free Schools, 21<sup>st</sup> Century Programs, etc.

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<sup>108</sup> Those grants were vetoed by Governor Gregoire in 2007.

- Development and implementation of consistent districtwide policies and procedures pertinent to prevention, intervention, and suppression of gang activity, including dress codes and disciplinary sanctions.
- Elementary and middle school gang-prevention activities, such as the GREAT Program<sup>109</sup>, as well as community-based activities.
- An intervention program aimed at reducing the length of suspensions for youth disciplined for gang activity.<sup>110</sup>
- Community mobilization and partnerships with other agencies to provide after-school programs and other prosocial activities for youth.
- Establishment of formal threat assessment teams to facilitate sharing of information between schools, law enforcement, and mental health agencies.
- Monitoring, collecting, and disseminating data to demonstrate program effectiveness, provided through a contract with a university or college.

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<sup>109</sup> Gang Resistance Education and Training program, is administered by the Bureau of Justice Assistance at the Dept. of Justice. It provides elementary and middle school curricula (13 modules) designed to help students make positive life choices, avoid delinquency, and resist using violence to solve problems. [www.great-online.org](http://www.great-online.org).

<sup>110</sup> Currently used in several districts, Building The Bridges (BTB) provides gang intervention services. Patterned after models used by many districts for drug/alcohol suspensions, the program provides for reduction of suspensions if the student agrees to participate in intervention services. This model is currently being used in some districts in our state with apparent success.

#### **D. Develop a Dedicated Apportionment for Transition Programs**

*The task force recommends development of a dedicated funding formula for programs serving students that have been long-term suspended or expelled for gang-related behavior, violent or threatening behavior, possession of weapons, or other serious infractions that warrant concern for the safety and order of the school environment. Such dedicated funding should provide an enhanced apportionment to support assessment, focused programming, behavioral and emotional intervention, and education of these students in an off-campus environment with the goal of school re-entry.*

#### **Relevant Findings of the Task Force:**

- Some students, including those that engage in gang activity at school, need to be removed from the regular educational environment in order to preserve order and safety for the majority of students.
- Disciplinary exclusion from school without education and/or other support services puts students at risk for school detachment, lowered academic success, and involvement with the juvenile justice system.<sup>111</sup>
- Suspensions and expulsions of students, especially in our high schools, negatively impact student achievement, on-time graduation, and dropout rates.<sup>112</sup>
- School administrators use out-of-school suspension and expulsions to protect the educational environment; however, principals also almost universally understand that excluding a student from school does little to address the underlying causes of misconduct or to change problem behaviors.
- Students who are long-term suspended or expelled are frequently denied any educational services within the district, and find great difficulty in obtaining non-resident admission to any other district.
- Suspension or expulsion of students shifts the burden of supervision and services from the school to the community.
- The Legislature has encouraged school districts to find alternatives to suspension including “reducing the length of a student’s

<sup>111</sup> Evertson, C.M., and C.S. Weinstein (2006), p. 1071.

<sup>112</sup> Ibid.

suspension conditioned by the commencement of counseling or other treatment services” under RCW 28A.600.410.<sup>113</sup>

- Alternatives to suspension/expulsion require additional staff time and other resources. Due to lack of available school or community resources, schools use suspension/expulsion because they are the only practical disciplinary tool available to them.
- Alternative education should be about the learning and teaching process. However, rather than serving students who learn best in nontraditional classrooms, alternative schools in some districts have become an environment to house students who disrupt the regular school environment.<sup>114</sup>

### Discussion:

The Washington State Constitution provides that “it is the paramount duty of the state to make ample provision for the education of *all children* within its borders . . .” (emphasis added). Most districts provide programs for at-risk youth, including alternative school programs. Our state has invested in the Washington Youth Academy, a program for at-risk youth. Our state provides ample educational opportunities for youth who are incarcerated for sometimes horrible crimes. Yet, students who are suspended or expelled from our public schools are frequently denied educational services. These students are left usually without educational options except for the GED unless their families can afford private schools. Frequently, these students soon end up involved with the juvenile justice system.<sup>115</sup>

The 2007 Legislature provided funding for the Building Bridges Program, to fund dropout-prevention and retrieval programs, recognizing the importance of high school completion. One of the strongest risk factors for dropout, however, is a pattern of school discipline and suspension.<sup>116</sup> Long-term suspension significantly affects a student’s academic success; expulsion almost certainly predicts school failure. Students long-term suspended or expelled from school fall behind in their academic progress, thereafter have lower school commitment, and can be expected to detach from school. These results of school exclusion are also strong risk factors

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<sup>113</sup> RCW 28A.600.410. Alternatives to suspension – encouraged. School districts are encouraged to find alternatives to suspension including reducing the length of a student’s suspension conditioned by the commencement of counseling or other treatment services. Consistent with current law, the conditioning of a student’s suspension does not obligate the school district to pay for the counseling or other treatment except for those stipulated and agreed to by the district at the inception of the suspension. [1992 c 155 § 1.]

<sup>114</sup> Lile Holland, Washington Association of Learning Alternatives. Personal communication.

<sup>115</sup> Wald, J. and D. Lawsen (2003).

<sup>116</sup> Evertson, C.M., and C.S. Weinstein (2006).

for gang involvement.<sup>117</sup> School exclusion is also a strong predictor of involvement with the juvenile justice system.<sup>118</sup>

As this report is being drafted, the Basic Education Funding Task Force is considering the issue of educational funding, and will report to the Legislature during the 2009 session. Whether that task force will consider funding for programs to serve suspended and expelled students is unknown to the task force. However, there is a great need in our state to provide for education of these students. The Gangs in Schools Task Force recognizes the need to provide an education for *all* students including those suspended or expelled for gang activity or other exceptional misconduct.

Recognizing the need to provide educational services to suspended and expelled students, while at the same time protecting the regular school environment, the task force recommends the consideration of “transition programs” for these highly at-risk students. Such programs would serve to continue the education of these students outside of the regular school setting, with the intent that these students would transition back to the regular school setting when it is safe and practical to do so. This model is consistent with the response to intervention (RTI) continuum, where a small percentage of high-risk students require focused intensive interventions. These transition programs should not be considered punitive; the suspension or expulsion from the regular school environment is the consequence for exceptional misconduct.

In addressing the growing gang problem of that decade, the 1993 Legislature addressed the need for prevention and intervention programs (explained previously). In the original bill, the Legislature directed that those programs include “full service schools.”<sup>119</sup> This provision was vetoed by the Governor, but demonstrates that the Legislature recognized the need for special schools for some students that provide “wrap around” services and extended programming including gang interventions. Similarly, in presenting recommendations to the Gang Crimes Work Group, school-based gang interventions similar to “transition programs” were recommended by the GJJAC in 2007.<sup>120</sup>

Examples of effective transition programs do exist. However, because of the fiscal challenges of these programs there are few in our state. Educational Service District 112 currently operates the Re-Entry Program, which serves students with severe behavior problems and those who have

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<sup>117</sup> Hill, K.G., *et al.* (1999).

<sup>118</sup> Wald, J., and D. Lawsen. (2003). p. 7.

<sup>119</sup> RCW 43.310.030 [1993 c 497 § 6.]

<sup>120</sup> GJJAC Prevention/Intervention Committee – Presentation to the Gang Crimes Work Group, August 2007. The school-based interventions recommended include: “suspended or expelled students are NOT sent home, nor allowed to transfer to another school. A structured program will be offered (separate from current school).”

been suspended or expelled.<sup>121</sup> Other successful programs have closed their doors for lack of funding. Superintendent Frank Hewins of the Franklin Pierce School District reported to the School Safety Advisory Committee that his district had good success with a program that served suspended students, but that it was lost due to lack of funding. Principals who participated in task force forums also spoke to the need for transition programs and the effectiveness of these programs for many students with disciplinary problems. Those who spoke to the need for these programs, however, universally conveyed the lack of available funding as an impediment.

On a national level, the use of suspensions as a form of school discipline has increased dramatically in the last five decades;<sup>122</sup> although quantitative data is not available, anecdotal information suggests a similar pattern in Washington schools. Short-term suspensions are one step in a system of progressive discipline used in most schools. Unless a pattern of short-term suspensions develops, these exclusions may have more of a positive effect on behavior than a detrimental effect on academics. However, the cumulative effect of several short-term exclusions may be as detrimental academically as any single long-term suspension.

Long-term suspensions or expulsions are reserved for the most serious infractions, and State law restricts school districts from imposing suspensions or expulsions unless other forms of discipline have been attempted first. The exception here, however, is for behavior determined to be "exceptional misconduct."<sup>123</sup> As explained previously, RCW 28A.600.455 also provides that students who engage in gang activity at school may be suspended or expelled with *no requirement that lesser forms of discipline have been attempted and failed*. This runs counter to the limitations on suspensions specified in WAC.

Administrators almost universally understand that excluding a student from school is not a solution, because it does nothing to address the underlying cause of the unacceptable behavior. A principal noted, "You

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<sup>121</sup> From the ESD Web site: "Students attend class in a "homeroom" setting that focuses on behavior modification, academics, social skills, and anger management. Students receive group and individual instruction, as well as having access to a NovaNet lab to master specific subject matter skills. Classroom size is limited to 15 students. Students attend class four hours each day and must work independently at home five hours a week, documented by the students. At the request of their school district, students may enroll in the Re-Entry Program any time during the school year, as openings exist. Length of attendance will be determined on an individual basis with average participation being three months. [www.esd112.org/schoolprograms/reentry.html](http://www.esd112.org/schoolprograms/reentry.html).

<sup>122</sup> Jensen, E. (2007).

<sup>123</sup> See WAC 180-40-245(2), WAC 180-40-260(2), and 180-40-275(2), for example, "no student shall be suspended for a long term unless another form of corrective action or punishment has been imposed upon the student as a consequence of misconduct of the same nature. A school district may, however elect to adopt rules providing for the immediate resort to long-term suspension in cases involving exceptional misconduct." Exceptional misconduct must be so serious in nature as to warrant immediate suspension, and be "the same or of the same nature as a violation of the state's drug or controlled substance laws."

can expel a student, but that doesn't solve the problem. It keeps our school safe, but you have a student on the outside now."<sup>124</sup>

The effect of suspensions can be particularly damaging to younger students, both academically and psychologically. Steering committee member, Miguel Villahermosa, observed, "When you choose to long-term suspend a middle-school student, you are saying you are willing to give up on that student for the sake of the rest of the school."

Although used commonly, school exclusion does not address the underlying cause of the misbehavior. Students who are suspended often return to school and engage in the same misbehavior, with the consequence of a longer exclusion. Unless there is an intervention, the cycle continues until the student is expelled, drops out, or moves away.

Long-term suspending or expelling students is an action with significant consequences, and principals know this. David Anderson, Principal of Mount Vernon High School, expelled a number of students after a gang fight on campus. He commented to the Skagit Valley Herald, "We are going to maintain a safe school. The challenge is if these students don't have options and we expel them, then where will they be? What happens to their education? That's a concern of all of us who are educators and community people."<sup>125</sup>

A high percentage of expelled students drop out and never complete high school. Research concludes that suspension or expulsion is a strong predictor for involvement in the juvenile justice system, and failure to complete high school is a significant risk factor for adult incarceration.<sup>126</sup> Only about 60 percent of adult inmates have completed high school.<sup>127</sup>

The Legislature has previously recognized the societal impact of gang members being expelled or dropping out. They noted, "Among youth gang members the high school drop-out rate is significantly higher than among non-gang members. Since the economic future of our state depends on a highly educated and skilled workforce, this high school drop-out rate threatens the economic welfare of our future workforce, as well as the future economic growth of our state."<sup>128</sup> The Legislature also noted that failure to address the dropout and subsequent high unemployment of gang members could significantly impact future prison populations and thereby impact state budgets.

The human cost of long-term suspension and expulsion, and the resulting dropouts is high. The economic impact of dropping out is similarly high.

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<sup>124</sup> David Anderson, Principal, Mt. Vernon High School. Skagit Valley Herald, October 16, 2008.

<sup>125</sup> "Officials ponder violence in MV schools." Skagit Valley Herald, October 16, 2008.

<sup>126</sup> Cohen, M. (1998), p. 23

<sup>127</sup> Bureau of Justice Statistics, U.S. Department of Justice. [www.ojp.usdoj.gov/bjs/crimoff.htm](http://www.ojp.usdoj.gov/bjs/crimoff.htm).

<sup>128</sup> RCW 43.310.005 – Finding. Paragraph (3).

One of the few studies on the economic impact of school dropout determined that the value of saving a student from dropping out ranged from \$470,000 to \$750,000 in 1998 dollars.<sup>129</sup> Should that dropout graduate to a life of crime, the same study pegged the cost in 1998 dollars in the range of \$2.2 to \$3.2 million. Given that as much as a quarter of students drop out of high school, the cost to the people of the state is staggering—in the range of billions of dollars per year. Conversely, the cost of the proposed transition programs would be relatively small compared to the overall educational budget of Washington.

The best data currently available on the number of long-term suspensions and expulsions annually in Washington comes from the student behavior and weapons reports submitted to OSPI by each school district. From these sources, it is estimated that approximately 10,000 students were long-term suspended or expelled last year.<sup>130</sup> Reported expulsions were 1760, which likely accounts for the majority of expulsions, although some expulsions are not required to be reported. Unfortunately, no data is available for gang-associated suspensions or expulsions. Some of the reported disciplinary exclusions, however, are obviously associated with gang activity in schools. The total number of suspensions and expulsions last year is estimated to be at least 60,000 and likely exceed 75,000.<sup>131</sup>

Given that the total enrollment for the same period was approximately 1.1 million students, the long-term suspension/expulsion rate would be approximately one percent, and the total disciplinary exclusion rate would be between six and ten percent. Although rates vary widely between schools and districts, they are within reason for the entire student population of the state. Middle school and high school rates will significantly exceed these rates if those cohorts are calculated separately.

Using the data in the previous paragraphs, a rough estimate of the range of costs for transition schools can be calculated. Given that the current basic education allocation (BEA) is approximately \$6,300 per year, and the range of enhancement proposed by the task force is 15–50 percent, the annual cost per transition program student could range from approximately \$1000–\$3200 per year. Therefore, if all students on long-term exclusions were enrolled in transition programs, the additional program cost would range between \$10 and \$32 million per year.<sup>132</sup>

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<sup>129</sup> Cohen, M. (1998), p. 26. Includes both market costs and non-market (social) costs.

<sup>130</sup> Calculated from OSPI statistics for 2007–08. See Appendix III for assumptions of calculations.

<sup>131</sup> The number of suspensions and expulsions reported was 40,436. Schools do not report some of the most common infractions (disruption, insubordination, dress code violations, etc.), but experienced administrators on the task force estimated that the ratio of short-term to long-term suspensions is at least 4 to 1. Therefore, the total number of suspensions would easily exceed 60,000.

<sup>132</sup> This cost excludes the BEA, which is currently “saved” after students have missed 20 consecutive school days. Given the complexities of suspensions, estimating the additional BEA is beyond this report.

The cost estimate above assumes that all students would be “in program” for an entire school year. Logically, exclusions are imposed throughout the school year, and some students who are long-term suspended would be successfully returned to their home school in less than 180 school days. Additionally, not all students require the same services or interventions; assuming a bell-shaped distribution for the entire student population, transition program students would constitute one “tail” of the distribution, which would be slightly skewed to the lower end of the proposed enhancement. The actual annual cost, therefore, is likely in the middle of the range—approximately \$15–20 million per year.

Given the development of successful transition programs, some of the costs of those programs would be expected to eventually to be offset by savings in other youth services, including juvenile justice services. Additionally, the societal value of preventing the dropout of just 10 percent of the 10,000 annual long-term exclusions (i.e., 1000 students) would eclipse the annual cost of such transition programs.<sup>133</sup>

#### Essential Program Elements:

The task force recommends development of an enhanced funding allocation for highly at-risk students, defined as those who have been long-term suspended, expelled, are transitioning from institutions to common schools,<sup>134</sup> or are determined through a threat assessment process to be inappropriate for placement in the regular school setting. Other students, such as chronic truants, may be considered for this educational setting.

Specifically, the following criteria are considered essential by the task force:

- a. Authorize the Superintendent of Public Instruction to develop pilot projects to model transition programs funded through an enhanced apportionment for students who have been long-term suspended, expelled, or are otherwise inappropriate for enrollment in the regular public school
- b. Convene a workgroup to advise the development of the enhanced allocation formula for students enrolled in transition programs.

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<sup>133</sup> The societal value of preventing 1000 dropouts is at least \$470 million, extrapolating from the figures established by M. Cohen (1998).

<sup>134</sup> Students transitioning from juvenile institutions to public schools face significant reintegration challenges which might be effectively addressed through voluntary placement in transition schools. These students often succeed in institutional schools with small classes, a high level of personal attention, alternative teaching methods, and support services, but are challenged by immediately reintegrating into the regular school environment.

- c. Transition programs should follow a regional model and either educational service districts (ESDs) or school districts should be able to operate transition programs.
- d. ESDs operating a transition program should accept any eligible student from their service areas, and districts operating a transition school should accept any eligible resident student or eligible student from a contiguous district, as space and conditions allow.
- e. Transition programs should be available for students grades five and above, with grade-appropriate programming and separation of age groups.
- f. Students assigned to a transition program will continue to be considered enrolled in their home district or the district from which they were suspended or expelled for the purposes of reporting adequate yearly progress (AYP) and calculation of on-time graduation rates.<sup>135</sup>
- g. Enhanced funding should be based on an evaluation of the student's disciplinary history, level of risk,<sup>136</sup> and an assessment of the specific necessary academic and comprehensive intervention services.<sup>137</sup> The recommended range of enhancement is 15 to 50 percent over and above the standard allocation.
- h. The entire basic education allocation and the entire enhanced allocation for any student enrolled in a transition program be used exclusively for program services and not diverted to any other use.<sup>138</sup>

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<sup>135</sup> Currently, school districts may be hesitant to accept a struggling out-of-district student into an alternative school or regular school program due to concerns about how that student will affect the district's Adequate Yearly Progress (AYP) and on-time graduation rates. If districts are required to accept students from neighboring districts, there is a disincentive to establishing new transition programs unless such a provision is included. The sending district benefits because the transition program student is no longer a dropout.

<sup>136</sup> Assessment of level of risk should include a standardized threat assessment process, especially for violent or potentially violent students, and those who have been suspended/expelled for possession of weapons.

<sup>137</sup> Comprehensive intervention services would include but not be limited to: mental health services, on-site drug and alcohol counseling or treatment, behavioral interventions such as Cognitive Behavioral Therapy, and programs such as aggression replacement therapy (ART).

<sup>138</sup> According to Lile Holland, Executive Director of the Washington Association of Learning Alternatives, alternative schools are fiscally challenged because most get only a portion of the BEA for their staff and programs, typically a smaller fraction than is provided to regular schools. Mr. Holland was concerned that providing an enhanced apportionment to transition programs would simply displace BEA funds, and not effectively increase available program funds. The provision that the entire BEA and enhancement go to the transition program is critical if the model is to function effectively and as intended.

- i. Transition programs should have low classroom student-to-teacher ratios, recommended not to exceed 12:1 for students in Grades five through eight, and 15:1 for students in Grades nine and above.
- i. Students referred to the courts under RCW 28A.225.030 (the Becca Bill) may be assigned to a transition program if the student fails to comply with a court order to attend school.
- j. Students assigned to a transition program must have an individual academic plan,<sup>139</sup> behavioral intervention plan, and safety plan<sup>140</sup> developed with the objective of ensuring successful re-integration of the student to their home district.
- k. Startup funds should be available for districts or ESDs that establish new transition programs.

#### **E. School District Policies to Prevent Gang Activity**

*The task force recommends that the legislature mandate districts adopt a policy to prevent gang activity in school facilities that includes consistent dress codes and uniform disciplinary actions for gang-related behaviors, that declares school facilities to be free of gang activity, and will assist schools in promoting buildings that are free of gang activity.*

#### **Relevant Findings of the Task Force:**

- School districts currently have policies and rules pertaining to gang behaviors and dress codes that vary widely—from not addressing gang-associated dress codes on one extreme to very restrictive dress codes on the other extreme. In some situations, the practice of the school is overly reactionary.
- Within school districts, rules and standards for gang-related behaviors and gang-related dress often vary widely based on the philosophy and level of knowledge or experience of school personnel.
- The lack of consistency between districts and schools allows gangs to actively function in some buildings without consequence, which may affect the school environment and student safety.

<sup>139</sup> An academic plan would include the Student Learning Plan (SLP) as currently required.

<sup>140</sup> Safety plans should include a standardized threat assessment.

- Gang-associated students and gang members are known to engage in “school shopping” to attend a school where they can display their gang association and engage in gang activity unrestricted; this can create dangerous situations.<sup>141</sup>
- School administrators in small communities and rural areas are experiencing gang activity where there has previously been none, and are especially in need of guidance in the area of developing and implementing policies to prevent, intervene, and suppress gang activity in schools.

### Discussion:

Establishing board-approved policies and procedures helps ensure consistency and accountability in school districts. As stated previously, many school districts lack policies that address gang-associated behaviors on campus, and likewise many lack written procedures for discipline of students who engage in gang activity at school. As a consequence, administrators are left to either formulate their own school-based policy, or to try to apply other district discipline policies to gang behaviors. The resultant inconsistencies can lead to multiple problems.

One problem associated with the lack of consistent policies is that administrators often do not have the written backing of the school board when they must address gang-associated attire and activity. When imposing discipline, this creates a problematic situation. Minus a clear anti-gang discipline policy, principals may be forced to address gang-associated behavior based on the general infraction; for example, a gang-related assault may be recorded only as an assault. This can impede the ability to track patterns of behavior that may indicate gang membership of a student.

Conversely, the lack of consistent policies with clear guidelines of prohibited behavior may lead to administrators imposing discipline in an arbitrary or capricious manner. The task force heard from one principal who emergency expelled any student who had a bandana, which is certainly an excessive and injudicious application of the discipline WAC. The task force heard other examples of school practices which seemed to be “on the edge” of violating WAC or were clearly inconsistent with state rules on student discipline. Although districts can suspend for “exceptional misconduct,” WAC specifies that those infractions which result in immediate suspension must rise to the level of a violation of controlled substance laws.

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<sup>141</sup> Trump, K.S. (2002.), p. 122.

The lack of established policies that include clear definitions and descriptions of what constitutes “gang activity” has been correlated with disproportionate discipline of minority students for gang behaviors.<sup>142</sup> Carefully constructed anti-gang policies are essential to protect the rights of all students, and must focus on behaviors rather than membership in order to be judicious.<sup>143</sup> Further, given that many of the students most likely to be gang-involved and therefore disciplined for gang activity are from underprivileged homes and marginalized populations, their families are less likely to assert their rights through appeal processes. Establishing consistent policies is therefore in the best interest of ensuring protection of student rights.

Although most districts with established gang problems have developed policies and procedures for dealing with gang activity on campus, those districts with emerging gang activity probably have not. An assistant principal from a district with emerging gang issues recently conveyed an issue with a student believed to be asserting gang membership through his clothing. When asked about the district’s gang policy, the administrator described it as “vague.” Districts in this situation would benefit from the establishment of model or sample anti-gang policies and procedures.

In the process of vetting the recommendations to school principals, the development of standardized anti-gang policies has received widespread support. Administrators recognize the problems associated with not having a policy, as well as inconsistent policies between districts.

#### Recommended Elements:

The task force recommends that the Legislature mandate that all districts adopt an anti-gang policy and corresponding procedure for dealing with students who violate said policy. The recommended elements to be included in such a mandate would include:

- a. Each district shall adopt a policy that declares the intent that school buildings and properties will be free of gang activity.
- b. The Washington State School Directors Association (WSSDA) is directed to convene a work group to formulate a sample anti-gang policy and corresponding procedure.
- c. WSSDA will collaborate with the Gangs in Schools Task Force and the School Safety Advisory Committee in development of said model policy.

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<sup>142</sup> Beres and Griffith (2004), p. 936, 948.

<sup>143</sup> Ibid.

- d. Any provisions for discipline incorporated into the model policy shall be consistent with relevant law and WAC, and will provide for intervention prior to any suspension except in the case of exceptional misconduct. The work group will recommend any necessary changes to WAC or statute.

The task force did not reach consensus on whether the Legislature should mandate the adoption of a *specific* policy and procedure, or whether districts should be provided only with a sample policy and procedure. The need for consistency between districts is clear; however, many of the members of the task force are sensitive to the desire for local control of schools and districts. The task force leaves this decision to the Legislature, without recommendation.

#### **F. Funding for Ongoing Anti-Gang Training**

*The task force recommends ongoing funding of in-state joint training on gang prevention, intervention, and suppression for school personnel, law enforcement, juvenile justice professionals, social services providers, and others who work with gang-involved and gang-affected youth. Such training should be provided at minimal or no cost to the agencies participating, and should be developed by an interdisciplinary team based on an assessment of the needs of agencies and communities in our state.*

#### **Relevant Findings of the Task Force:**

- Many school administrators and other school personnel lack training that allows them to recognize gang activity in and around their schools. For those that have received training, the evolving nature of gangs means that their training is in many cases outdated.
- Practitioners in agencies as well as school personnel need ongoing training in gang cultural competency in order to work effectively with gang-affected youth and families.
- In order to best address youth gang issues, school personnel and practitioners in the various agencies that serve gang-affected youth need to share a common knowledge to recognize gang activity, understand risk factors, implement prevention and intervention services, and where necessary take steps to suppress gang activity.

- Currently, there is a high demand by all disciplines for training on gang awareness, prevention, intervention and suppression. Cooperative training programs assures consistent information for all participants.
- Cooperative gang training reduces duplication of efforts and represents responsible stewardship of public funds.

### Discussion:

All educators receive special training to help them work with diverse student populations. Whether it is students with special needs, students with diverse learning styles, students with behavioral issues, or highly gifted students, teachers and administrators seek professional development to supplement their preparation. Part of that training includes recognizing the needs and appropriate interventions for those diverse learners.

Few administrators receive training in recognizing gang-associated youth; even fewer counselors and teachers receive gang-awareness training. An even smaller percentage of educators receive training in how to work with gang-involved youth. In fact, the latter type of training is difficult to find in our state. Considering that approximately 10 percent of secondary students reported being associated with gangs,<sup>144</sup> and the fact that so many schools in the state are affected in some way by gang activity, the need for training of educators is evident.

Gang awareness training for schools in Washington is not consistently available to teachers, counselors, and administrators. Schools and districts with particular gang issues may provide awareness training, and in some schools this training is required. This is an issue, however, left to the local district, as there is no state mandated gang training for any school staff. This seems to be consistent with other states. In a national survey relating to gangs and schools, only 16.4 percent of schools reported that school staff receive any mandatory gang training, and when provided, it is “basic gang identification” and little else.<sup>145</sup> The same survey asked whether basic gang awareness training should be mandatory for teachers—an idea that was supported by 94.6 percent of respondents.<sup>146</sup>

The task force debated whether gang awareness training should be mandatory, and did not reach consensus. School administrators on the task force were very hesitant to mandate yet another required training. Despite the recognition of the importance of gang awareness training, the task force finds that school staff already struggle to find time for existing

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<sup>144</sup> Healthy Youth Survey, Washington Dept. of Health, 2006.

<sup>145</sup> Knox, G.W. (2008). Findings from the K-12 Survey Project: A special report of the NGCRC.

<sup>146</sup> Ibid.

training requirements. Part of the reluctance recommend mandatory training also goes back to the available resources and cost to school districts. The task force heard clearly that although schools want training to be available, they would not welcome another “unfunded mandate.” If the Legislature decides to mandate gang awareness training, that requirement should be accompanied by funding that covers not only the expense of the training but the costs of staff time.

Just as school personnel need gang awareness training, so do other providers who work with gang-involved or gang-susceptible youth. Effective prevention and intervention requires that all providers who work with gang-involved youth be on the same page and have comparable knowledge of risk factors, gang indicators, psychosocial elements of gang membership, and intervention methods.

#### Recommended Program Elements:

The task force recommends that a biennial allocation of \$250,000 be made to the Superintendent of Public Instruction for the purpose of providing anti-gang training for school personnel, school resource officers, juvenile justice professionals, the juvenile rehabilitation administration, civic leaders, and others working with gang-associated and gang-affected youth. The training should focus on recognition of gang activity and gang members, gang prevention programs, gang intervention programs, and other subjects as deemed necessary by representatives of the intended audiences. This allocation should be sufficient to support, at a minimum, four regional trainings per year.

The Gangs in Schools Task Force should act as the overseeing body to develop the trainings in collaboration with representatives from the Office of Superintendent of Public Instruction, the Governor’s Juvenile Justice Advisory Committee, the Juvenile Rehabilitation Administration, juvenile court administrators, Washington Association of Sheriffs and Police Chiefs, the School Safety Advisory Committee, the Association of Washington School Principals, the Washington School Administrators Association, the Washington School Safety Organization, and other stakeholders as deemed appropriate. A portion of the allocation should be used to support training scholarships for school and agency personnel.

## **G. Development an Information-Sharing Website**

*The task force recommends the development of a secure information-sharing Web site or software system which allows exchange of information about gang activity, identifiers, graffiti, sets, and other pertinent nonpersonal information between law enforcement, school personnel, juvenile justice professionals, and other authorized users. Such a system would support the identification of gang activity rather than the identification of gang members.*

### Relevant Findings of the Task Force:

- Schools lack a ready source of current information on gangs, gang activity, and gang indices. This is particularly true of districts without school resource officers.
- There is currently no established mechanism for law enforcement to exchange information on gang activity and gang presence with school administrators and school security officers.
- Schools do not need access to the same types of information as law enforcement, but each has access to information that is valuable to the other.
- The identification of individual gang members by law enforcement and schools, and the sharing of those identifications, raises concerns about privacy and the confidentiality of student records.
- Community organizations and other agencies that work with gang-affected youth need information on gang activity that is similar to that needed by schools.
- The Washington Association of Sheriffs and Police Chiefs (WASPC) has been charged with developing a gang information database which will contain data and information that could be a basis or contribution to an information-sharing Web site on gangs.

### Discussion:

Throughout the work of the task force, the need for information on gangs and gang activity was echoed by numerous stakeholders. Not only do school administrators and others need awareness training as described above, but they also need a readily accessible source of current information on gangs. Because of the rapidly changing nature of modern gangs, and the mobility of gang members and their families, the status of gang activity is constantly in flux. When confronted with a new set name,

a previously unknown tagging, or a suspected gang symbol, principals and school security need a means to quickly access reliable information.

The Internet provides a wealth of information on gangs; however, the search for specific information can be time consuming and frustrating. Much of the gang information on the Web is national or international in perspective, rather than regional or local. Except for sites associated with law enforcement agencies or other reputable sources, the information may not always be credible.

There are some online resources available to school administrators which may provide a partial pattern for a Washington-specific Web site on gangs. One of these resources is the Web site Northwest Gangs<sup>147</sup> which is a collection of information about active gangs in various regions around the Northwest. Although this Web site is useful, it is also open access, rather than being a secure site for authorized users; further, the credibility of this site is dependent on the site administrator rather than a government entity. Another resource is the listserv hosted by the National Youth Gang Center. While useful, this is a national listserv that may not meet the needs of most school administrators or security staff.

#### Recommended Elements:

The task force recommends the development of a secure, information-sharing Web site for school staff and other practitioners who work with gang-associated youth. Recommended elements of such a Web site would include:

- a. Information on the gangs and local gang sets identified as active in each region and county of the state.
- b. Identifiers of gangs and local gang sets, including clothing, associated colors, symbols, and tags.
- c. A search function whereby a user can enter elements of tagging, descriptions of symbols, and other information to arrive at a list of probable associated gangs or local sets.
- d. A listserv or online community for exchange of information between users.
- e. The ability to upload photographs of gang tags, clothing, or symbols and receive input or information from other users.

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<sup>147</sup> Found at [www.nwgangs.com](http://www.nwgangs.com).

- f. A collection of resource materials including information on policies, legal issues, and general gang information.
- g. Some level of interface with law enforcement agencies.
- h. Management by a knowledgeable person to ensure the accuracy and quality of the information in the system.

The task force discussed this recommendation at the last meeting of the year, and therefore has not established the elements in great detail. Additional discussion of this recommendation will accompany discussion of intelligence gathering in the upcoming year, as there is some overlap between the two.

The task force unequivocally discourages the Legislature from including any individual identification of gang-involved youth in the Web site described above. Members are collectively concerned that a database that contains names of gang-associated students could be used to exclude them from school and refuse students enrollment in another district. The task force recognizes that some students wish to leave the gang life behind them, and that an enduring record in a database can unfairly affect their future options. Because the gang database being created by WASPC and the Washington State Patrol will be used to identify individual gang members and associates, some task force members were concerned about linking the information website to that law-enforcement database.

## VII. Conclusions

The problem of youth gangs is one without a simple solution. As a society, Americans tend to look for “instant” fixes and instant gratification. Because of this propensity, the most common approach to “solving” gang problems has been increased suppression activities. Although this approach may have an immediate effect, however, it is essentially the treatment of the symptom rather than the causes of youth gangs. In the long-term, reliance on suppression is ineffective and likely not sustainable.

There is no quick fix for the gang problem, although there is an immediate need for action, as our country loses fifteen youth each day to gun violence.<sup>148</sup> Each day that action is delayed, more youth leave school and are lost to the streets, to the gangs, to the prisons. Once started down this path, it is difficult to reverse their trajectory toward productive citizenship.

The Gangs in Schools Task Force was specifically charged with addressing the problems associated with youth and adult gangs in and around schools. However, the task force repeatedly returned to the position that *addressing the problem of youth gangs requires essentially the same actions as addressing the needs of at-risk youth*.

There is a compelling need for a comprehensive and coordinated approach to a broad spectrum of prevention and intervention services for struggling and at-risk youth; significant overlap exists between dropout prevention, school re-engagement programs, special needs programs, after-school programming, and gang-intervention services. If we are committed to increasing graduation rates, decreasing the rate of incarceration, and decreasing youth violence, these programs must become a coordinated and integral part of the educational system.

The task force has strongly advocated a balanced approach to address gang problems, including prevention and intervention, and they are not a lone voice on the issue. Writing about support for gang prevention programs, Wyrick notes:

“The most convincing advocates for the importance of gang prevention [and intervention] are the law enforcement officers and prosecutors who have worked for years arresting gang members. They are so convincing because they can give first-hand accounts of the young people that cycle into the gang lifestyle, become offenders, and become victims. Some die young, some go to prison, and some continue on a ruinous path into adulthood. Soon, their children are old enough to be next in line and the pattern continues. The goal of gang prevention is to interrupt this cycle.”<sup>149</sup>

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<sup>148</sup> Valdez, A. (2008).

<sup>149</sup> Wyrick, P. (2006), p. 60.

Stemming the problem of youth gangs in our schools and our communities through prevention and intervention will require significant expense, at a time when government coffers are lean. This is, however, essentially an investment in the future of our state and our country. Dollars invested in educating and providing services to struggling youth pay off manifold over the long term. Conversely, failing to address the youth gang problem through provision of education and services will only lead to increased future expenditures for social services, family intervention, law enforcement, and incarceration. Reducing education, prevention, and intervention services now may severely impact our state's fiscal future, as has previously been noted by the Legislature.

The members of the executive steering committee of the Gangs in Schools Task Force thank the Legislature for the opportunity to study and make recommendations on this critical issue affecting our youth. The task force is optimistic that through a balanced approach to solving the youth gang problem, youth gang activity will be reduced and our schools will be safer places for students to learn and teachers to work.

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## Appendix I

### Executive Steering Committee Biographs

#### Dr. Wendy Bleecker

Dr. Wendy Bleecker currently works as a Director in Student Support Services for Spokane Public Schools. She has been working with youth in the field of counseling for twenty years in both the juvenile justice and educational setting. In addition, Wendy is the Project Director for the SS/HS Initiative which provides programming for school safety, violence and drug/alcohol prevention, mental health, youth development and early childhood. This initiative includes Spokane, Cheney, Medical Lake, Nine-Mile, Riverside and Deer Park Public Schools. Wendy meets on a regular basis with local community members to develop effective strategies to engage all students in positive activities as well as school engagement and was instrumental in the foundational development of an anti-gang initiative in the Spokane West Central Neighborhood (Project Hope). Dr. Bleecker received her B.A. from Eastern Washington University, M. Ed. from Whitworth College and Ed.D. in Educational Administration from Washington State University. Her focus of research included examining the relationship between the levels of racial awareness of Washington State school administrators and counselors and the disproportionality of discipline actions, truancy and academic achievement for students of color.

#### Tom Boehme

Tom Boehme has been in education for 29 years starting in Corvallis, Oregon. He and his wife moved to Stanwood in 1989 and moved to Centralia in 2006. Tom was a business teacher and football coach until 2001 when he became the dean of students at Stanwood HS and then Assistant Principal. At Centralia High School, he has been the principal for the past two years where there is a presence of gang members. Tom and his staff have implemented a comprehensive set of strategies to involve these students positively at CHS. A few of these strategies include parent outreach, creating relationships with gang members, drawing a hard line on unacceptable behavior, changing the dress code, and educating staff.

#### Camilla Campbell

Camilla Campbell is the Training & Development Manager for King County Superior Court, Juvenile Court Services Division. She currently serves as the co-chair of the "Seattle/King County Gang Prevention & Outreach Work Group" and recently strategized, planned and coordinated the Seattle/King County Gang Prevention & Outreach Seminar, which included local and national leaders that focused on how to serve youth who are at risk, or involved with gangs. She is a Certified Washington Risk Assessment State trainer, who focuses on reducing risk factors that impedes juvenile success within the justice system. Experienced Probation officer who has counseled clients to support an increase in personal responsibility, and address issues of alcohol and drug dependency, mental health, and family conflict. Conducted assessments and investigations, and planned effective interventions. Camilla has proactively worked with youth with truancy issues by using principles of Motivational Interviewing and other best practices. She holds a MPA from City University and a BS in Behavioral Science from Canadian University College.

### Kevin Fairchild

Kevin Fairchild is a detective with the Everett Police Department's Criminal Intelligence Unit with the primary responsibility of tracking street gangs in the greater Everett area. With over seventeen years of law enforcement experience (both civilian and military), Kevin has worked as a gang detective for just over two years. When Kevin was tasked as the gang detective, he realized that getting schools involved was critical in combating street gang influence within our communities. Kevin has strong contacts with school resource officers throughout Snohomish County. He has provided gang presentations to several schools, and law enforcement agencies in order to educate their staff and administrators about gang issues in their respective areas. Kevin organized and chairs the monthly Snohomish County Regional Gang Meeting that includes law enforcement members from all local agencies, school administrators from middle and high schools throughout the county, prosecutors, state and local corrections officers, and representatives from several federal agencies.

### Kellie Henderson

Kellie Henderson is a Probation Officer with the Clark County Juvenile Court, where she has been since 2006. She gained law enforcement experience and experience with families in crisis while in the U.S. Military, and subsequently completed a Bachelor of Science in Psychology from WSU Vancouver. Kellie has approximately 18 years of experience working with at-risk youth, including experience with the YWCA Sexual Assault Program (SAP), Outside In of Portland, the Vancouver School District Teen Parent Program. She continues to volunteer with the SAP and frequently speaks to local groups about sexual violence and victim/community impact. For the past eighteen months she has strongly requested that my caseload consist mostly of gang affected youth.

### Jose Hernandez

Jose Hernandez currently works as the Student Achievement Coordinator for the Pasco School District, and has a long history of work with at-risk students including gang-associated youth. He has diverse professional experiences that include duty as a Washington State Trooper, work in the substance abuse field, and a directorship of a national private youth ranch for troubled and at-risk youth. Jose has considerable experience with ethnic communities, including work as the Community Liaison for the Kennewick School District, membership in the Latino Juvenile Justice Network, membership on the Board of Directors of the Hispanic Chamber of Commerce, and membership on the Benton Franklin Community Solutions Team. He was the recipient of the 1993 Governor's Award and recipient of the 2007 Latino Leader of the Year Award.

### Dawn Larsen

Dawn Larsen is currently the Director of Projects for the Washington Association of Sheriffs and Police Chiefs, where she oversees a number of projects including gang suppression and graffiti abatement grants, the statewide automated victim information and notification system, the jail booking and reporting system, and the sex offender address and residency verification grants, and the offender watch program. She has twenty-five years of experience in crime victim services. Dawn is a licensed mental health therapist, and holds a Master's Degree in Counseling and Community Psychology from Saint Martin's University.

## Lee Maras

Lee Maras is currently the Director of Safety and Security for the Yakima School District. For the past five years, he was principal at A.C. Davis High School in Yakima, serving approximately 1900 students. A.C. Davis High School is a very culturally diverse community, with one of the greatest challenges being the influence of gangs on the culture of the school. Lee has been a principal for a total of 20 years and has a Master's Degree in Special Education and School Administration. Lee has done extensive work for meeting the disciplinary and emotional needs of behaviorally challenged students as the behavior consultant for Linn and Benton ESD in Oregon and ESD 105 in Yakima. While principal at Davis, he dealt extensively with the gang issue and worked closely with law enforcement and other agencies to ensure a safe environment. In current related work, Lee Maras serves as an adjunct professor for Heritage University in the principal preparation program.

## Randy Town

Randal Town is currently the School Safety Coordinator for Educational Service District 105 out of Yakima. He holds a B.A. Degree in Psychology from Central Washington State College and a Master's Degree in Counseling Psychology from Lewis and Clark College. Randy has been providing crisis management services to schools in the ESD 105 region for the last 19 years, including training regarding gang recognition, prevention, and intervention strategies. In addition to his school experience, Randy is a fully commissioned Reserve Deputy with the Yakima County Sheriff's Office and has provided patrol services for 14 years. He also is an instructor with the Criminal Justice Training Commission and a member of the School Safety Advisory Committee.

## Dennis Turner

Dennis Turner is the founder of Building The Bridges organization. This organization provides gang intervention and prevention programs and services. Building The Bridges is intended to help the community with gang and at-risk youth issues, and provides gang intervention services to several school districts in the Puget Sound region. Dennis collaborates with other agencies and groups to provide leadership to improve the quality of gang education, knowledge, and cultural sensitivity of children, parents and community throughout Western Washington. Dennis received his B.A. in Organizational Leadership from Chapman University. He is currently completing a Master's Degree in Business Management at National American University. Dennis is a former gang member with inside knowledge of gang psychology and sociology. He left the negative life style to better his life and help youth escape the gang life.

## Miguel Villahermosa

Miguel Villahermosa is Director of Middle School Education for the Tacoma School District. His 29-year career in public education has included seventeen years as a successful classroom teacher, nine years as a high school Assistant Principal and two years as middle school principal. He has served on a variety of the national, state and local organizations and committees dealing with school reform issues as well as the development of state standards. Miguel currently supervises eleven middle schools and directs and supports all related operations. He is also tasked with directing a district wide response to gang related issues. As part of that work, he is working with the City of Tacoma in a Youth Violence

Prevention Project where city resources are being used to address the growing gang problem through the engagement of “evidenced based” and “promising programs” to reduce youth gang involvement. This work also leverages a strong partnership developed with the Tacoma Police Department when he served as Principal of Gault Middle School on the East side of Tacoma in response to the impact of gang violence on students in that area. This partnership has now grown district wide with monthly meetings held in all sectors of the city between the Sector Lieutenants, Tacoma Police Department Community Liaison Officers and Principals. Miguel is a 1976 graduate of Pacific Lutheran University and earned an M. Ed. from the University of Washington, Seattle in 1993 as part of the Danforth Educational Program.

### Tyson Vogeler

Tyson Vogeler is a Program Supervisor at the Washington State School Safety Center at OSPI. He has been in K-12 education for 13 years and was previously an instructor at the University of Alaska Anchorage. Tyson worked with gang members and at-risk youth for several years at the Naselle Youth Camp, and his graduate research centered on the disconnect of teaching methods and the learning styles of at-risk youth. He has also worked as a high school administrator. Tyson holds a Bachelor of Science degree in Ecology and a Master of Education degree in Educational Leadership from City University.

### Mary Williams

Mary Williams has been the Office Chief for the Governor’s Juvenile Justice Advisory Committee (GJJAC) since 2004. She holds an undergraduate degree from Western Washington State College in Elementary Education and a Masters in Public Administration from Seattle University. She has teaching experience at various levels, and was the contracts manager for the “Law and Justice Planning Office (LJPO)” as well as LJPO liaison with the OSPI for the “Safe Schools” project. She has also served as a criminal and juvenile justice planner for five counties (Thurston, Mason, Lewis, Clallam, and Jefferson). From 1982 – 1995, Mary was the Social Services Director for the Thurston County Public Health and Social Services Department and 1996 – 2004, she was the children and family services program director for the County and Health Department. In the past year, she has conducted significant research in prevention and intervention of youth gang membership. The GJJAC was a named member of the State Gang Work Group, as defined by SSB 5987. Mary wrote the “Prevention and Intervention of Youth Gang Membership” position paper and supporting documents which were adopted by the Work Group.

### Ken Wong

Ken Wong is currently the Teen Programs Director for the City of Redmond, and has over 20 years of experience working with at-risk teens in the community. Prior to coming to the City of Redmond, Ken was the Violence Intervention and Prevention Program for a non-profit social service agency. He worked in the community with gang-involved and violent and aggressive youth; Ken has collaborated with juvenile justice, law enforcement and schools on intervention and prevention plans. Ken also serves as a community consultant and presenter in a broad range of areas that deal with teen issues. He was an educator for eleven years in public schools in both elementary and high schools, working primarily with special needs students. He was also part of an intervention team in the high school when gangs became a major issue in the school and worked to educate staff and develop intervention plans when students were involved and brought issues to school. Ken Wong holds a master’s degree in Social Work.

## Appendix II

### RCW 28A.600.455

#### **RCW 28A.600.455 -- Gang activity -- Suspension or expulsion.**

(1) A student who is enrolled in a public school or an alternative school may be suspended or expelled if the student is a member of a **gang** and knowingly engages in **gang** activity on school grounds.

(2) "**Gang**" means a group which: (a) Consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes.

[1997 c 266 § 2.]

#### **NOTES:**

**Findings -- Intent -- 1997 c 266:** "The legislature finds that the children of this state have the right to an effective public education and that both students and educators have the need to be safe and secure in the classroom if learning is to occur. The legislature also finds, however, that children in many of our public schools are forced to focus on the threat and message of violence contained in many aspects of our society and reflected through and in **gang** violence activities on school campuses.

The legislature recognizes that the prevalence of weapons, including firearms and dangerous knives, is an increasing problem that is spreading rapidly even to elementary schools throughout the state. Gang-related apparel and regalia compound the problem by easily concealing weapons that threaten and intimidate students and school personnel. These threats have resulted in tragic and unnecessary bloodshed over the past two years and must be eradicated from the system if student and staff security is to be restored on school campuses. Many educators believe that school dress significantly influences student behavior in both positive and negative ways. Special school dress up and color days signify school spirit and provide students with a sense of unity. Schools that have adopted school uniforms report a feeling of togetherness, greater school pride, and better student behavior in and out of the classroom. This sense of unity provides students with the positive attitudes needed to avert the pressures of **gang** involvement.

The legislature also recognizes there are other more significant factors that impact school safety such as the pervasive use of drugs and alcohol in school. In addition to physical safety zones, schools should also be drug-free zones that expressly prohibit the sale, use, or possession of illegal drugs on school property. Students involved in drug-related activity are unable to benefit fully from educational opportunities and are disruptive to the learning environment of their

fellow students. Schools must be empowered to make decisions that positively impact student learning by eradicating drug use and possession on their campuses. This flexibility should also be afforded to schools as they deal with other harmful substance abuse activities engaged in by their students.

Toward this end, the legislature recognizes the important role of the classroom teacher who must be empowered to restore discipline and safety in the classroom. Teachers must have the ability to control the conduct of students to ensure that their mission of educating students may be achieved. Disruptive behavior must not be allowed to continue to divert attention, time, and resources from educational activities.

The legislature therefore intends to define gang-related activities as criminal behavior disruptive not only to the learning environment but to society as a whole, and to provide educators with the authority to restore order and safety to the student learning environment, eliminate the influence of **gang** activities, and eradicate drug and substance abuse on school campuses, thus empowering educators to regain control of our classrooms and provide our students with the best educational opportunities available in our schools.

The legislature also finds that students and school employees have been subjected to violence such as rapes, assaults, or harassment that has not been **gang** or drug-related criminal activity. The legislature intends that all violence and harassment directed at students and school personnel be eradicated in public schools." [1997 c 266 § 1.]

## Appendix III

### Calculation Assumptions for Transition Program Estimated Costs

Infraction Type	Total Reported Suspensions	Calculation Factor Applied	Calculated Long-Term Suspensions	Total Reported Expulsions
Bullying	16021	.10	1602	411
Alcohol	1571	.10	157	119
Drugs (note 1)	4814	.10	481	497
Alcohol/Drugs	895	.10	90	33
Violent Offense	721	.75	541	69
Assault (note 2)	14658	.25	3665	544
Firearms (note 3)	26	1.00	26	57
<b>TOTALS</b>	<b>38706</b>		<b>6561</b>	<b>1730</b>

#### Notes:

1. In many districts, days of suspension may be “held in abeyance” if a student agrees to participate in drug assessment and treatment. If a student is long-term suspended, they may typically return to school in five to ten days if they agree to this intervention. In some districts, possession of drugs may initially not result in long-term suspension. Combining these observations, the calculation factor applied is 10 percent.
2. Reported assaults include many fights that result in injury, and are not what the criminal code would necessarily consider assault. Most districts impose short-term suspensions for fights, except in the case of students with multiple infractions or especially injurious incidents. The assumption of the calculations is that 25% of the assault suspensions are long-term. The expulsions reported are approximately 3% of the total assault incidents reported.
3. For firearm incidents, school districts report both expulsions and modified expulsions. For the purposes of these calculations, it was assumed that all modified expulsions were converted to long-term suspensions.



## Appendix IV

### California Penal Code, Section 626 – 626.11

(sections unrelated to K-12 schools excised)

626. (a) As used in this chapter, the following definitions apply:

(4) "School" means any elementary school, junior high school, four-year high school, senior high school, adult school or any branch thereof, opportunity school, continuation high school, regional occupational center, evening high school, or technical school or any public right-of-way situated immediately adjacent to school property or any other place if a teacher and one or more pupils are required to be at that place in connection with assigned school activities.

(5) "Chief administrative officer" means either of the following:

(B) For a school, the principal of the school, a person who possesses a standard supervision credential or a standard administrative credential and who is designated by the principal, or a person who carries out the same functions as a person who possesses a credential and who is designated by the principal.

(c) As used in this code, the following definitions apply:

(1) "Pupil currently attending school" means a pupil enrolled in a public school who has been in attendance or has had an excused absence, for purposes of attendance accounting, for a majority of the days for which the pupil has been enrolled in that school during the school year.

(2) "Safe school zone" means an area that encompasses any of the following places during regular school hours or within 60 minutes before or after the schoolday or 60 minutes before or after a school-sponsored activity at the schoolsite:

(A) Within 100 feet of a bus stop, whether or not a public transit bus stop, that has been publicly designated by the school district as a schoolbus stop. This definition applies only if the school district has chosen to mark the bus stop as a schoolbus stop.

(B) Within 1,000 feet of a school, as designated by the school district.

626.2. Every student or employee who, after a hearing, has been suspended or dismissed from a community college, a state university, the university, or a school for disrupting the orderly operation of the campus or facility of such institution, and as a condition of such suspension or dismissal has been denied access to the campus or facility, or both, of the institution for the period of the suspension or in the case of dismissal for a period not to exceed one year; who has been served by registered or certified mail, at the last address given by such person, with a written notice of such suspension or dismissal and condition; and who willfully and knowingly enters upon the campus or facility of the institution to which he or she has been denied access, without the express written permission of the chief administrative officer of the campus or facility, is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

Knowledge shall be presumed if notice has been given as prescribed in this section. The presumption established by this section is a presumption affecting the burden of proof.

626.4. (a) The chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility.

(b) Whenever consent is withdrawn by any authorized officer or employee, other than the chief administrative officer, such officer or employee shall as soon as is reasonably possible submit a written report to the chief administrative officer. The report shall contain all of the following:

(1) The description of the person from whom consent was withdrawn, including, if available, the person's name, address, and phone number.

(2) A statement of the facts giving rise to the withdrawal of consent.

If the chief administrative officer or, in the chief administrative officer's absence, a person designated by him or her for this purpose, upon reviewing the report, finds that there was reasonable cause to believe that such person has willfully disrupted the orderly operation of the campus or facility, he or she may enter written confirmation upon the report of the action taken by the officer or employee. If the chief administrative officer or, in the chief administrative officer's absence, the person designated by him or her, does not confirm the action of the officer or employee within 24 hours after the time that consent was withdrawn, the action of the officer or employee shall be deemed void and of no force or effect, except that any arrest made during such period shall not for this reason be deemed not to have been made for probable cause.

(c) Consent shall be reinstated by the chief administrative officer whenever he or she has reason to believe that the presence of the person from whom consent was withdrawn will not constitute a substantial and material threat to the orderly operation of the campus or facility. In no case shall consent be withdrawn for longer than 14 days from the date upon which consent was initially withdrawn. The person from whom consent has been withdrawn may submit a written request for a hearing on the withdrawal within the two-week period. The written request shall state the address to which notice of hearing is to be sent. The chief administrative officer shall grant such a hearing not later than seven days from the date of receipt of the request and shall immediately mail a written notice of the time, place, and date of such hearing to such person.

(d) Any person who has been notified by the chief administrative officer of a campus or other facility of a community college, a state university, the university, or a school, or by an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, that consent to remain on the campus or facility has been withdrawn pursuant to subdivision (a); who has not had such consent reinstated; and who willfully and knowingly enters or remains upon such campus or facility during the period for which consent has been withdrawn is guilty of a misdemeanor. This subdivision does not apply to any person who enters or remains on such campus or facility for the sole purpose of applying to the chief administrative officer for the reinstatement of consent or for the sole purpose of attending a hearing on the withdrawal.

(e) This section shall not affect the power of the duly constituted authorities of a community college, a state university, the university, or a school, to suspend, dismiss, or expel any student or employee at the college, state university, university, or school.

(f) Any person convicted under this section shall be punished as follows:

(1) Upon a first conviction, by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not

less than 90 days or more than six months, or by both such imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(g) This section shall not affect the rights of representatives of employee organizations to enter, or remain upon, school grounds while actually engaged in activities related to representation, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code.

626.6. (a) If a person who is not a student, officer or employee of a college or university and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that college or university, enters a campus or facility, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility. If that person fails to do so or if the person willfully and knowingly reenters upon the campus or facility within seven days after being directed to leave, he or she is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not more than five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(b) The provisions of this section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

(c) When a person is directed to leave pursuant to subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the campus or facility within seven days he or she will be guilty of a crime.

626.7. (a) If a person who is not a student, officer, or employee of a public school, and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that school, enters a campus or facility outside of the common areas where public business is conducted, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility. If that person fails to do so or if the person returns without following the posted requirements to contact the administrative offices of the campus, he or she is guilty of a misdemeanor and shall be punished as follows:

(1) Upon a first conviction, by a fine of not more than five hundred dollars (\$500), by imprisonment in a county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in a county jail for a period of not less than 10 days

or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in a county jail for a period of

not less than 90 days or more than six months, or by both that imprisonment and a fine of not more than five hundred dollars (\$500), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

For purposes of this section, a representative of a school employee organization engaged in activities related to representation, as provided for in Chapter 10.7 (commencing with Section 3540) of Division 4 of Title 1 of the Government Code, shall be deemed a person required by his or her employment to be in a school building or on the grounds of a school.

(b) The provisions of this section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

(c) When a person is directed to leave pursuant to subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the campus or facility without following the posted requirements to contact the administrative offices of the campus, he or she will be guilty of a crime.

(d) Notwithstanding any other subdivision of this section, the chief administrative officer, or his or her designee, shall allow a person previously directed to leave the campus or facility pursuant to this section to reenter the campus if the person is a parent or guardian of a pupil enrolled at the campus or facility who has to retrieve the pupil for disciplinary reasons, for medical attention, or for a family emergency.

626.8. (a) Any person who comes into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and whose presence or acts interfere with the peaceful conduct of the activities of the school or disrupt the school or its pupils or school activities, is guilty of a misdemeanor if he or she does any of the following:

(1) Remains there after being asked to leave by the chief administrative official of that school or his or her designated representative, or by a person employed as a member of a security or police department of a school district pursuant to Section 39670 of the Education Code, or a city police officer, or sheriff or deputy sheriff, or a Department of the California Highway Patrol peace officer.

(2) Reenters or comes upon that place within seven days of being asked to leave by a person specified in paragraph (1).

(3) Has otherwise established a continued pattern of unauthorized entry.

This section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly.

(b) Punishment for violation of this section shall be as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars (\$500), by imprisonment in the county jail for a period of not more than six months, or by both the fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(c) As used in this section, the following definitions apply:

(1) "Lawful business" means a reason for being present upon school property which is not otherwise prohibited by statute, by ordinance, or by any regulation adopted pursuant to statute or ordinance.

(2) "Continued pattern of unauthorized entry" means that on at least two prior occasions in the same school year the defendant came into any school building or upon any school ground, or street, sidewalk, or public way adjacent thereto, without lawful business thereon, and his or her presence or acts interfered with the peaceful conduct of the activities of the school or disrupted the school or its pupils or school activities, and the defendant was asked to leave by a person specified in paragraph (1) of subdivision (a).

(3) "School" means any preschool or school having any of grades kindergarten through 12.

(d) When a person is directed to leave pursuant to paragraph (1) of subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the place within seven days he or she will be guilty of a crime.

626.81. (a) Any person who is required to register as a sex offender pursuant to Section 290, who comes into any school building or upon any school ground without lawful business thereon and written permission from the chief administrative official of that school, is guilty of a misdemeanor.

(b) Punishment for violation of this section shall be as follows:

(1) Upon a first conviction by a fine of not exceeding five hundred dollars (\$500), by imprisonment in a county jail for a period of not more than six months, or by both the fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of this section, by imprisonment in a county jail for a period of not less than 10 days or more than six months, or by both imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of this section, by imprisonment in a county jail for a period of not less than 90 days or more than six months, or by both imprisonment and a fine of not exceeding five hundred dollars (\$500), and shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(c) Nothing in this section shall preclude or prohibit prosecution under any other provision of law.

626.85. (a) Any specified drug offender who, at any time, comes into any school building or upon any school ground, or adjacent street, sidewalk, or public way, unless the person is a parent or guardian of a child attending that school and his or her presence is during any school activity, or is a student at the school and his or her presence is during any school activity, or has prior written permission for the entry from the chief administrative officer of that school, is guilty of a misdemeanor if he or she does any of the following:

(1) Remains there after being asked to leave by the chief administrative officer of that school or his or her designated representative, or by a person employed as a member of a security or police department of a school district pursuant to Section 39670 of the Education Code, or a city police officer, sheriff, or a Department of the California Highway Patrol peace officer.

(2) Reenters or comes upon that place within seven days of being asked to leave by a person specified in paragraph (1) of subdivision (a).

(3) Has otherwise established a continued pattern of unauthorized entry.

This section shall not be utilized to impinge upon the lawful exercise of constitutionally protected rights of freedom of speech or assembly, or to prohibit any lawful act, including picketing, strikes, or collective bargaining.

(b) Punishment for violation of this section shall be as follows:

(1) Upon a first conviction, by a fine not exceeding one thousand dollars (\$1,000), by imprisonment in the county jail for a period of not more than six months, or by both that fine and imprisonment.

(2) If the defendant has been previously convicted once of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 10 days or more than six months, or by both imprisonment and a fine not exceeding one thousand dollars (\$1,000), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 10 days.

(3) If the defendant has been previously convicted two or more times of a violation of any offense defined in this chapter or Section 415.5, by imprisonment in the county jail for a period of not less than 90 days or more than six months, or by both imprisonment and a fine not exceeding

one thousand dollars (\$1,000), and the defendant shall not be released on probation, parole, or any other basis until he or she has served not less than 90 days.

(c) As used in this section:

(1) "Specified drug offender" means any person who, within the immediately preceding three years, has a felony or misdemeanor conviction of either:

(A) Unlawful sale, or possession for sale, of any controlled substance, as defined in Section 11007 of the Health and Safety Code.

(B) Unlawful use, possession, or being under the influence of any controlled substance, as defined in Section 11007 of the Health and Safety Code, where that conviction was based on conduct which occurred, wholly or partly, in any school building or upon any school ground, or adjacent street, sidewalk, or public way.

(2) "Continued pattern of unauthorized entry" means that on at least two prior occasions in the same calendar year the defendant came into any school building or upon any school ground, or adjacent street, sidewalk, or public way, and the defendant was asked to leave by a person specified in paragraph (1) of subdivision (a).

(3) "School" means any preschool or school having any of grades kindergarten to 12, inclusive.

(4) "School activity" means and includes any school session, any extracurricular activity or event sponsored by or participated in by the school, and the 30-minute periods immediately preceding and following any session, activity, or event.

(d) When a person is directed to leave pursuant to paragraph (1) of subdivision (a), the person directing him or her to leave shall inform the person that if he or she reenters the place he or she will be guilty of a crime.