

Board Policy JFCR3/JFCFR/JFCIR/ and JGD/JGER2: Disciplinary Actions for Controlled Substances Offenses: Pulaski County Public School's Counseling and Preventative Services (CAPS) Program

Purpose:

The purpose of the Pulaski County Public Schools substance use policy is to ensure a safe and secure environment to create a productive learning climate. Furthermore, it is designed to establish guidelines in accordance with the No Child Left Behind Act of 2001 and the Commonwealth of Virginia Board of Education Comprehensive Plan for developing and supporting policies and programs that emphasizes prevention and the creation of a positive school environment.

Definitions and Clarifications:

- A. Under the influence means when a student's comportment, behavior, condition, speech, or appearance is affected by or evinces prior use of alcohol, controlled substances, other substances and/or inhalants.
- B. Alcoholic beverage shall include alcohol, spirits, wine and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being.
- C. Controlled substances include, but are not limited to, narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, designer drugs, and other controlled substances as defined in the Drug Control Act of Chapter 15.1 of Title 54 of the Code of Virginia and as defined in schedules I through V of 21 USC & 812.
- D. Imitation controlled substance shall mean a pill, capsule, tablet, or other item which is not a controlled substance, an alcoholic beverage, anabolic steroid, marijuana, or any of those substances commonly referred to as designer drugs but which by overall dosage unit appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such pill, capsule, tablet or other item is a controlled substance, an alcoholic beverage, anabolic steroid, or marijuana.
- E. Other substances include, but are not limited to, prescription medications and/or over-the-counter drugs which may not or may contain a combined dosage of caffeine and ephedrine hcl, herbal stimulants, herbal euphoriant, ephedra or ma huang such as Magnum 357, Mini-Thin, Max Aler, Perk Mini-hearts, Bidis, Beedees, No-Doz, Jimson Weed, cold medications and cough syrups such as Robitussin or drugs manufactured using such DXM or other over-the-counter drugs not taken in accordance with the medication policy.
- F. Inhalants include any substance not prescribed by a physician and inhaled as a vapor, gas or mist. Inhalants may include, but are not limited to adhesives; aerosols; solvents and gases (freon and butane); cleaning agents; and room deodorizers.
- G. Anabolic steroids include natural synthetic compounds ingested for the purpose of enhancing physical strength but which have detrimental effects on the healthy growth and development of students.
- H. Drug paraphernalia shall include, but are not limited, those items defined in Section 18.1-265.1 of the Code of Virginia.
- I. An offense is the violation of any rule or combination of rules as defined in the Student Conduct Code.
- J. To be in possession of means to have alcoholic beverage(s), imitation and/or controlled substances, other substances, inhalants, anabolic steroids and/or drug paraphernalia on one's person, or in one's personal property, automobile, or other vehicle, or locker, desk or other school-provided storage area.

- K. Possession with the intent to sell, give, or distribute means to have alcoholic beverage(s), controlled substances, other substances, inhalants, anabolic steroids and/or drug paraphernalia, and it is determined by the evidence of the packaging, amount, etc. that the intent was to sell, give or distribute.
- L. Distribution means to pass, give or sell alcoholic beverage(s), imitation and/or controlled substances, other substances, inhalants, anabolic steroids and drug paraphernalia.
- M. Unlawful manufacture means the illegal act of producing or assembling alcoholic beverage(s), controlled substances, other substances, inhalants and/or drug paraphernalia.
- N. Where and when policy violations occur includes school property, in a school vehicle, at any school-sponsored event, going to and from school or while participating in school-sanctioned activities. It also extends to off school property, if the acts committed are either detrimental to the interest of the school or adversely affect school discipline.

Possession/Distribution

In accordance with the No Child Left Behind Act of 2001, to maintain safe and drug free schools, the possession, distribution, dispensation, use, and/or being under the influence of any form of alcohol, anabolic steroid, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or other controlled substance (as defined in the Drug control Act of Chapter 15.1 of Title 54 of the Code of Virginia and as defined in schedules IV of 21 USC *182), imitation controlled substance, or drug paraphernalia (as described in *18.2-265.1 of the Code of Virginia) is prohibited within any Pulaski County Public School or its property to include school vehicles, at any school-sponsored event/trip, going to and from school, or while participating in school-sanctioned activities. Furthermore, in handling such violations the school board authorizes the superintendent who may authorize a designee to conduct a preliminary review of substance use policy violations to determine whether a disciplinary action other than expulsion is appropriate.

Substance Abuse Violations:

A. Selling and Distributing

Students who are found to be in violation of the school division's controlled substance abuse policies and procedures with regard to selling, distribution, or possession with intent to distribute shall be subject to immediate long-term suspension or expulsion in accordance with Board policies and regulation JFC, JFCR, JGD/JGE, and JGD/JGER.

First Offense: Parent/guardian(s) will be contacted immediately upon verification of the violation, and the student is referred to the appropriate law enforcement agency. The student will receive an out-of-school suspension for ten (10) days and recommended for a disciplinary hearing. The hearing officer can recommend to the Superintendent the following actions: long-term suspension or recommendation for expulsion, loss of privileges to participate in or attend all extracurricular activities for twelve (12) calendar months, loss of driving privileges, and/or participation in a substance abuse treatment program at the parent/guardians expense.. The student will be referred to the appropriate law enforcement agency.

However, the building administrator **may** reduce the ten (10) day suspension to a five (5) day out of school suspension and five (5) days of Saturday School. Also, the twelve (12) month loss of attending or participating in extracurricular activities will be reduced to thirty (30) calendar days and the loss of parking privileges for up to thirty school days if:

- The student and parent/guardian agree to participate in the Board-approved Counseling and Preventative Services (CAPS) Program and follow the recommendations made by the SAP core team for up to one year.

- Upon return, the student is required to attend after-school AE sessions every day until all work missed during the suspension period is made up. Returning middle school and elementary school students are required to make up all work missed during the suspension period within 15 school days, making use of all after-school and other “extra-help” sessions available to him/her.
- The returning student will be placed on a strict improvement plan upon his/her return.

Violation of these provisions or any other provisions included in the student’s improvement plan can result in a ten (10) day suspension and recommendation for a disciplinary hearing. The hearing officer can recommend to the Superintendent the following actions: long-term suspension or recommendation for expulsion, loss of privileges to participate in or attend all extracurricular activities for twelve (12) calendar months, and loss of driving privileges.

Second Offense: If the student violates the substance use policy within forty-eight (48) calendar months of the previous violation, the event will be considered a second offense. Upon verification of the violation, parent/guardians and law enforcement will be contacted, and the student will be suspended for ten (10) days. The superintendent or designee will be notified and a disciplinary hearing will be held within ten (10) school days of the incident. The hearing officer can recommend to the Superintendent any of the following actions: long-term suspension or recommendation for expulsion, loss of privileges to participate in or attend all extracurricular activities for twelve (12) calendar months, loss of driving privileges, and/or participation in a substance abuse treatment program at the parent/guardians expense. The student will be referred to the appropriate law enforcement agency.

B. Possession and/Or Use

Students who are found to be in violation of the school division’s controlled substance abuse policies and procedures with regard to possession and/or use of said substances on school property or while engaged in school activities and events off school property, including being under the influence of controlled substances while at school or engaging in school activities or events, shall be immediately suspended and recommended for long-term suspension or expulsion. The Principal shall have the authority, at his/her discretion, to waive a recommendation of long-term suspension or expulsion for first-time offenders only, in favor of participation in the Board-approved Student Assistance Program.

First Offense: Parent/guardian(s) will be contacted immediately upon verification of the violation, and the student is referred to the appropriate law enforcement agency. The student will receive an out-of-school suspension for ten (10) days and recommended for a disciplinary hearing. The hearing officer can recommend to the Superintendent the following actions: long-term suspension or recommendation for expulsion, loss of privileges to participate in or attend all extracurricular activities for twelve (12) calendar months, loss of driving privileges, and/or participation in a substance abuse treatment program at the parent/guardians expense. The student will be referred to the appropriate law enforcement agency.

However, the building administrator **may** reduce the ten (10) day suspension to a five (5) day out of school suspension and five (5) days of Saturday School. Also, the twelve (12) month loss of attending or participating in extracurricular activities will be reduced to thirty (30) calendar days and the loss of parking privileges for up to thirty school days if:

- The student and parent/guardian agree to participate in the Board-approved Counseling and Preventative Services (CAPS) Program and follow the recommendations made by the Student Assistance Program core team for up to one year.
- Upon return, the student is required to attend after-school AE sessions every day until all work missed during the suspension period is made up. Returning middle school and elementary school students are required to make up all work missed

during the suspension period within 15 school days, making use of all after-school and other “extra-help” sessions available to him/her.

- The returning student will be placed on a strict improvement plan upon his/her return.

Violation of these provisions or any other provisions included in the student’s improvement plan can result in a ten (10) day suspension and recommendation for a disciplinary hearing. The hearing officer can recommend to the Superintendent the following actions: long-term suspension or recommendation for expulsion, loss of privileges to participate in or attend all extracurricular activities for twelve (12) calendar months, and/or lose of driving privileges.

Second Offense: If the student violates the substance use policy within forty-eight (48) calendar months of the previous violation, the event will be considered a second offense. Upon verification of the violation, parent/guardians and law enforcement will be contacted, and the student will be suspended for ten (10) days. The superintendent or designee will be notified and a disciplinary hearing will be held within ten (10) school days of the incident. The hearing officer can recommend to the Superintendent any of the following actions: long-term suspension or recommendation for expulsion, loss of privileges to participate in or attend all extracurricular activities for twelve (12) calendar months, loss of driving privileges, and/or participation in a substance abuse treatment program at the parent/guardians expense. The student will be referred to the appropriate law enforcement agency.

Anabolic Steroids Use: In addition to any other consequences which may result, a student who is a member of a school athletic team will be ineligible for two school years to compete in interscholastic athletic competition if the school principal and the division superintendent determine that the student used anabolic steroids during the training period immediately preceding or during the sport season of the athletic team, unless such steroid was prescribed by a licensed physician for a medical condition.