

## ALCOHOL AND OTHER DRUGS (AOD) IN SCHOOLS

Illegal drug use and abuse are prohibited by the ACPS Student Code of Conduct in compliance with all applicable federal, state or local laws and ordinances. Any staff member shall report to the relevant principal or designee any student suspected of being under the influence of alcohol and other drugs (AOD) or in violation of the ACPS Student Code of Conduct related to substance abuse.

The School Board promotes substance abuse prevention programs to educate students and staff about the harmful effects of alcohol, illegal drugs and/or the misuse of legal drugs, and supports intervention programs for those who need help overcoming substance abuse. However, the primary responsibility for helping students who are involved with substance abuse lies with the students and their parents/guardians.

### I. Generally

~~Possession of alcohol, or any controlled substance, imitation controlled substance or marijuana, as defined in Va. Code § 18.2-247, or synthetic cannabinoids as defined in Va. Code § 18.2-248.1-1, is prohibited on school property or at a school-sponsored activity.~~

~~No person may manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance or imitation controlled substance while~~

- ~~• on the property, including building or grounds, of any ACPS school;~~
- ~~• on public property or any property open to public use within 1,000 feet of the property, including building or grounds, of any ACPS school;~~
- ~~• on any school bus; or~~
- ~~• at any designated school bus stop or any property open to public use within 1,000 feet of such school bus stop during the time when students are waiting to be picked up and transported to or are being dropped off from school or a school sponsored activity.~~

### A. Expulsion

A student who is determined to have brought alcohol, a controlled substance ~~or~~ imitation controlled substance; ~~marijuana, or synthetic cannabinoids as defined in Va. Code § 18.2-248.1-1,~~ onto school property or to a school-sponsored activity may be expelled in accordance with Policy JGD/JGE Student Suspension / Expulsion. ~~The Superintendent may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. The School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. In addition, the School Board authorizes the Superintendent or designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate.~~ Any such disciplinary action shall be taken in accordance with Title 22.1, Chapter 14, Article 3 of the Code of Virginia.

**Comment [JA1]:** Board Committee Feedback: Policy feels too much like a zero tolerance policy. PBIS should be mentioned, and with drugs and alcohol we should also consider whether there are mental health supports that should be provided to students. (The implementing regulations do reference MTSS, which is good).

Provide clarity around when you use each approach- firmer language re: standards for what triggers intervention vs. counseling vs. suspension/expulsion, etc. Include concrete examples in the regs. How are these determinations made?  
"Flexibility for different situations" leaves room for implicit bias and can lead to disproportionate outcomes.  
Language should be more affirming

**Comment [2]:** Updated to reflect 2021 amendment of Va. Code §§ 18.2-255.2 and 22.1-277.08 by HB 2312, and to reflect repeal of Va. Code § 18.2-248.1: by HB 1112 (2014).

**Comment [3]:** 2021 amendment of Va. Code §§ 18.2-255.2

B. Required Reporting to Parents/[Guardians](#) and Local Law Enforcement

The Principal [or designee](#) shall report a violation of this policy to parents/[guardians](#) and local law enforcement as required by Policy CLA: *Reporting Acts of Violence and Substance Abuse*.

II. Students with Disabilities

A. Students with disabilities are subject to the provisions of Section I of this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA: *Disciplining Students with Disabilities* will be followed in addition to the regular disciplinary procedures.

B. Additional authority to remove a student with a disability from school for a drug violation.

1. In addition to the authority granted in subsection A above, a student with a disability may be removed without parent/[guardian](#) consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal [should](#) not be in excess of any removal imposed on a student without a disability for the same offense.

Comment [JA4]: "Should not" or "may not"?

2. For purposes of this forty-five (45) school-day removal, "illegal drugs" and "controlled substance" are defined as follows:

- a. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 U.S.C. § 812(c).
- b. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Adopted: June 18, 1998  
Amended: July 6, 2000  
Amended: June 21, 2001  
Amended: June 15, 2004  
Amended: July 1, 2011  
Amended: December 18, 2014

**File: JFCF/JFCI**

Amended: December 20, 2018  
Amended:

Legal Refs: 20 U.S.C. §§1415(~~(k)(1)(G)(ii)~~), 1415(~~(k)(7)(A)~~), 1415(~~(k)(7)(B)~~).  
 21 U.S.C. § 812(~~e~~).

Code of Virginia, 1950, as amended, §§ 16.1-305.1, 18.2-247, 18.2-250,  
 18.2-250.1, 18.2-255.2, 22.1-78, 22.1-276.01, 22.1-277.08.

8 VAC 20-81-10.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	<u>GAE</u>	<u>Child Abuse and Neglect Reporting</u>
	IGAG	Teaching About Drugs, Alcohol and Tobacco
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	JFCF-R/JFCI-R	Alcohol and Other Drug (AOD) Abuse: Regulations
	JGD/JGE	Student Suspension/Expulsion
	JGD-R/JGE-R	Student Suspension/Expulsion Regulations
	JGDA	Disciplining Students with Disabilities
	JHCD	Administration of Medications to Students
	JHCD-R	Regulations for the Administration of Medications to

Students

JHG	Child Abuse and Neglect Reporting
JO	Student Records

Notes 1:

Notes 2:

Notes 3:

**Comment [5]:** Staff feedback: This policy seems to primarily be enforced against black and brown children. White children seem to find ways to circumvent application of the policy through attorneys, parent advocacy, etc. How much alcohol triggers this? Is application of this policy discretionary by each principal? Language re: "discretion" and a "case-by-case basis" is problematic. There must be room in the implementation to allow for intent to be considered. At the elementary level, sometimes children can mistakenly put things in their backpack that they don't realize. There should be differences in implementation/consequences b/w elementary and secondary. Almost all students who are required to attend AOD seminars are Latino males, yet they are not the only students using drugs. We need to think outside the box and do something different. Parents with fewer resources are being respectful and following the process, while parents with resources are able to push back. We must also address the SWD aspect; we must consider mental health and intent; students may make bad choices when they're...

**Comment [6]:** Staff feedback: When students of privilege get atty's involved, what is ultimately the consequence? Primarily the children being referred to AOD programs for services are Latino/Black, but that's not reflective of all of the students who are using AOD/tobacco, etc. Administrators primarily make the referrals. Deans/administrators/guidance counselors/social workers ultimately submit referrals. SWD can be disciplined in the same manner as students without disabilities for the first 10 days; should look at MDR (Manifestation determination review) process. There is room for an impact to be made there. Being a restorative school division, what does "being held accountable" look like? Behavior is also communication- a student saying "I need help." What does that help look like? We say "restorative," but we implement "punishment." Some demonstrated behaviors are dangerous and may warrant temporary removal, but then what interventions/supports are we providing? The intervention part of the process should b...

**Comment [7]:** Staff feedback: No references included to huffing or other harms outside of controlled substances. These should be added. Referrals should be made consistently. Administrators may tend to make referrals when a substance can be smelled on a student; should have more language re: behaviors that indicate a student may be under the influence of a controlled substance; some substances are difficult to overtly notice. Administrators implement very differently when a student is suspected to be under the influence- they don't all know the process. There is no administrator onboarding and there needs to be. There needs to be a process/specific steps that administrators should follow when they suspect a student may be under the influence. The school nurse should assess the student as a starting point but should not be a determining factor re: consequences. Nurse should assess for health/safety. A flow diagram would be great. Safety first, parent notifications, policy check & admin response (SBAR), etc.