

## Fall River Joint Unified School District

### Policy 5131.6

#### Students

#### Alcohol And Other Drugs

The Governing Board believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Board desires to keep district schools free of alcohol and other drugs in order to help prevent violence, promote school safety and create a well-disciplined environment conducive to learning.

The Superintendent or designee shall develop, implement and evaluate a comprehensive prevention and intervention program that is coordinated with other school and community-based services and programs. The district's program shall be scientifically based and designed to prevent or reduce alcohol or other drug use and the possession and distribution of illegal drugs. It shall include primary prevention activities such as decision-making skills and conflict management, instruction, referral to a rehabilitation program, enforcement/discipline, activities that promote the involvement of parents/guardians and coordination with appropriate community agencies and organizations.

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of the district's program in reducing drug and alcohol use. The Superintendent or designee shall develop and implement an evaluation process that includes ongoing assessment and analysis of objective data regarding the incidence of drug and alcohol use among district students, including discipline problems, and the prevalence of risk factors.

The Superintendent or designee shall consult with principals, teachers, other school personnel, students and parents/guardians when developing the district's program.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the district's policies, regulations and school rules related to the use of alcohol and other drugs on school campuses or at school activities. Information about program needs and goals shall be widely distributed in the community.

Staff should encourage students to participate as responsible partners in efforts to maintain a safe, constructive school climate.

The district's drug education program shall augment county drug education services, if any. District staff shall take every opportunity to cooperate with county and county office of education staff in planning and implementing collaborative alcohol and drug prevention programs.

## Instruction

The district shall provide science-based preventative instruction which has been proven effective in helping students avoid the use of alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is wrong and harmful. Instruction shall not include the concept of responsible use of drugs or alcohol when such use is illegal. (20 USC 7114, 7162; Health and Safety Code 11999.2)

The district shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

## Intervention, Referral and Student Assistance Programs

The Board strongly encourages any student who is using alcohol or drugs to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose their use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be disciplined for such use.

## Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds or at school-sponsored activities.

Students possessing, using or selling alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures including suspension or expulsion and/or referral to law enforcement in accordance with law, Board policy and administrative regulation. In addition, such students may be referred to an appropriate counseling program, transferred to an alternative placement, and/or be restricted from extracurricular activities, including athletics.

## Legal Reference:

### EDUCATION CODE

44049 Known or suspected alcohol or drug abuse by student  
44645 In-service training anabolic steroids  
48900 Suspension or expulsion (grounds)  
48900.5 Suspension, limitation on imposition; exception  
48901 Smoking or use of tobacco prohibited  
48901.5 Prohibition of electronic signaling devices  
48902 Notification of law enforcement authorities; civil or criminal immunity  
48909 Narcotics or other hallucinogenic drugs  
48915 Expulsion; particular circumstances  
49602 Confidentiality of pupil information  
51202 Instruction in personal and public health and safety  
51203 Instruction on alcohol, narcotics and restricted dangerous drugs  
51210 Areas of study  
51220 Areas of study, grades 7 to 12

51260-51269 Drug education  
60041 Instructional materials  
60110-60115 Instructional materials on alcohol and drug education  
BUSINESS AND PROFESSIONS CODE  
25608 Alcohol on school property; use in connection with instruction  
HEALTH AND SAFETY CODE  
11032 Narcotics, restricted dangerous drugs and marijuana  
11053-11058 Standards and schedules  
11353.6 Juvenile Drug Trafficking and Schoolyard Act  
11357 Unauthorized possession of marijuana; possession in school or on school grounds  
11361.5 Destruction of arrest or conviction records  
11372.7 Drug program fund; uses  
11802 Joint school-community alcohol abuse primary education and prevention program  
11965-11969 The School-Community Primary Prevention Program  
11998-11998.3 Drug and Alcohol Abuse Master Plans  
11999-11999.3 Alcohol and drug program funding; no unlawful use  
124175-124200 Adolescent family life program (Department of Health Services)  
PENAL CODE  
13860-13864 Suppression of drug abuse in schools  
VEHICLE CODE  
13202.5 Drug and alcohol related offenses by person under age of 21, but aged 13 or over;  
WELFARE AND INSTITUTIONS CODE  
828 Disclosure of information re minors  
828.1 Disclosure of criminal records; protection of vulnerable staff & students  
UNITED STATES CODE, TITLE 20  
5812 National education goals  
7101-7184 Safe and Drug-Free Schools and Communities Act  
Management Resources:  
WEB SITES  
California Department of Education, Alcohol, Tobacco and Other Drug Prevention: <http://www.cde.ca.gov/ls/he/at>  
California Healthy Kids: <http://www.californiahealthykids.org>  
U.S. Department of Education, Office of Safe and Drug Free Schools: <http://www.ed.gov/about/offices/list/osdfs/index.html>  
(10/94 2/96) 7/04

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## Regulation 5131.6

### STUDENTS

### DRUGS AND ALCOHOL

#### Drug Use and Abuse

The administration shall practice the following procedures relative to student drug use and abuse on school property or whenever the student is under the jurisdiction of the schools. This jurisdiction includes, but is not limited to, while on school grounds, going to or coming from school or a school sponsored activity, and/or during the lunch period whether on or off campus. Alcohol is a drug, illegal for use by minors. Cases involving alcohol shall be treated in the same manner as for other drugs.

#### Use or Possession

1. Whenever any staff member has reason to believe that a student may be under drug influence, he/she shall immediately notify the principal. The principal, if in agreement, shall notify the parent to come in for the student and remove the student to his/her home, to a physician, to medical facilities, or to the jurisdiction of the sheriff.

2. In severe cases, if the parents cannot or will not come to the school, the principal is authorized to call an ambulance to remove the student to a hospital. Parents will be notified of this action and shall be responsible for incurred expenses.
3. If the principal or designee can not be reached, written documentation of the incident will be recorded for future action. The parent will be notified as well at this time.
4. The parent is to be notified and made aware of any action taken by the District as well as informing them of the challenge to the suspension/expulsion through the use of the appeal or by taking a drug test within 4 hours of the incident.
5. A student found to be under the influence of/using or possessing drugs, will be suspended for a period of five days. Depending on the severity and nature of the act, the student may be subject to an extension of the suspension and a recommendation for expulsion.
  - a. Pursuant to Policy 5144.1, the student/parent has a right to appeal the suspension. For students suspended for using or being under the influence of drugs, the student may challenge the determination by submitting drug test results. Since time is of the essence in testing for being under the influence/use of drugs, the parent must be notified of this option and procedures, at the time of the suspension of the student. Testing must occur within 4 hours of the incident.
  - b. The District will accept drug test result from any recognized licensed laboratory. For such test, the pupil/parent shall bear all costs regardless of the test results.
  - c. The student remains suspended and subject to the disciplinary rules and procedures under the Education Code and District policies and regulations until the results of the drug test are confirmed.
    - 1) If the test result is positive, the student will be disciplined accordingly.
    - 2) If the test result is negative, the records of the incident will be expunged from the student file.

#### Selling or Providing

When there is reason to believe that a student is selling or is providing drugs, the following procedures listed below will be followed:

1. The school administrator shall advise the local juvenile narcotics officer or law enforcement personnel. Juvenile authorities will make the decision as to whether or not the school will notify the parent.
2. The school administrator will escort the student to the school office and confront him/her with the suspicion. The administrator may notify the police before taking the student to the school office. The student should be removed from a classroom by a school administrator or designee when there is reasonable cause.
3. For reasonable cause, a search for drugs may be made by the administrator. This may include searching the student's locker and/or other District-owned facilities, such as science drawers, shop lockers, etc. Such searches should be conducted by the administrator with at least one other certificated person as a witness. No school staff member should search a student, but may ask the student to volunteer for self-search. Repeated attempts shall be made to notify the student's parent/guardian before the personal search is made.
4. The student may be interrogated by the school administrator without notifying the student of his/her rights, but if the administrator believes that a law has been broken, the police will be notified.

When there is good evidence that a student has actually used, sold, or is in possession of narcotics or drug paraphernalia on or about school premises or at school-sponsored functions, the police must be notified. Regardless of any legal action taken by the police, the District must immediately suspend the student according to the provisions of P/R 5144.1 - Suspension and Expulsion/Due Process. The school administrator may, at his/her discretion, recommend expulsion to the Governing Board.

Provisions of Board Policy and Administrative Regulations shall be disseminated to students and parents through school newsletters, student handbooks, parent and student meetings, newspapers, radio, television, and other means of communication.

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