

SPECIAL SERVICES

Student Responsibilities and Rights

Prevention of Alcohol and Other Drug Use by Students

This regulation supersedes Regulation 2150.22.

The titles of school system personnel used in this regulation shall in all events be deemed to include the designees of such personnel and any successors in the event of reorganization.

I. PURPOSE

To establish procedures for identifying and handling alcohol and other drug use on school property and for providing guidelines for promoting a safe alcohol-free and drug-free environment.

II. SUMMARY OF CHANGES SINCE LAST PUBLICATION

- A. In section I., the purpose was restated for clarity.
- B. The title “Safe and Drug-Free Youth” has been changed to read “Student Safety and Wellness” throughout this regulation.
- C. Section III. was rewritten to refer to the current version of Regulation 2601 for definitions.
- D. In section V., “prohibited” was added.
- E. In section V.B.1., the sentence was rewritten to include words “of” and “illegal,” removing “anabolic steroids,” and adding words “Ecstasy, cocaine, or any prescription medication not prescribed to the student.”
- F. In section V.B.4., “anabolic steroids or” was removed.
- G. In section V.C.1., the sentence regarding “unauthorized use or possession of any weapon or explosive device” and “assault or assault and battery” was removed.
- H. In section V.C.3., the phrases “and school educational officers (SEOs)” and “as any other school official” were added.
- I. In section V.C.4., “and SEOs” was added.
- J. FCPS network link was added for sample parent or guardian letters.

III. DEFINITIONS

Terms such as “imitation controlled substance,” “inhalant,” “distributing or distribution,” and “paraphernalia” are defined in the current version of Student Responsibilities and Rights, Regulation 2601.

IV. PROCEDURES FOR IDENTIFYING SUSPECTED ALCOHOL AND OTHER DRUG USE

School staff members are in a unique position to observe students in a variety of settings and thus may notice behaviors that may indicate a problem related to the use of a controlled substance, alcohol, or other intoxicant. It is essential to the health and safety of the student that suspected or actual cases of alcohol and other drug use be reported immediately to the appropriate staff members.

A. The classroom teacher generally has the most contact with a student and is, therefore, in the best position to observe any significant change in a student's behavior. These behaviors may include, but will not necessarily be limited to, the following:

1. Absenteeism.
2. Tardiness.
3. Diminishing quality of assigned school work.
4. Trouble with peers.
5. Hostility toward staff members.
6. Changes in appearance.
7. Changes in participation in extracurricular activities.
8. Deteriorating health.
9. Dramatic changes in mood.
10. Drowsiness; attempts to sleep in class.

Only simple identification of problem behaviors is required. There is no need for teachers to attempt to diagnose the causes of certain behaviors, although expressing personal concern regarding a decline in student performance may be helpful to the student.

B. Teachers or other staff members should immediately refer any cases of suspected alcohol and other drug use to the principal, the Fairfax County Alcohol and Drug Youth Services (ADYS) school resource specialist for the cluster, or other appropriate school official in accordance with the referral procedure established by the local school.

- C. The principal or his or her designee, after interviewing the student and upon determining that there is sufficient reason to suspect alcohol or other drug use, shall immediately notify the student's parent or guardian, and a conference shall be arranged with the parent or guardian, the student, and a counselor or the school nurse.

V. PROCEDURES FOR HANDLING ACTUAL ALCOHOL AND OTHER DRUG USE VIOLATIONS

If it is determined that a student has engaged in any form of alcohol and/or other prohibited drug use, the procedure shall be as follows: The principal, together with staff members, the student, and his or her parent or guardian, shall monitor each case to ensure that an appropriate intervention and a follow-up response have been made. (See the current version of Regulation 2152 for consequences related to tobacco violations.)

A. Alcohol or Inhalants

The following violations shall result in disciplinary action and shall require mandatory sanctions:

1. The first violation related to using, possessing, or being under the influence of alcohol, inhalants, or nonalcoholic beer, herein referred to as prohibited substances, **shall result in suspension from school for a minimum of five days and a maximum of ten days and suspension for 30 calendar days from all student activities including teams, clubs, and all other school-sponsored activities. All alcohol use violations shall be reported to the police.** The days of absence shall be excused, and makeup work shall be provided by the school during the period of suspension if the student and parent or guardian agree to, and in a timely fashion subsequently participate satisfactorily in, appropriate substance abuse prevention-intervention follow-up activities designated by the principal.
2. A second and any subsequent violation of **any prohibited conduct** listed in (1) above within 12 months of the prior offense **shall result in suspension from school for a minimum of ten days and suspension from all student activities including teams, clubs, and all other school-sponsored activities for the remainder of the school year.**
3. A violation involving distributing or manufacturing alcohol or inhalants **shall result in suspension from school for a minimum of ten days and recommendation for expulsion.**
4. If the student is suspected of being under the influence of alcohol, the principal **shall notify the parent or guardian and recommend that the parent or guardian pursue appropriate intervention.** In addition, the principal may immediately administer a breath sample test to determine the alcohol content and, depending on the suspected level of illegal substance involvement, the principal will refer the student for at least one of the following activities:

- a. Participation in the Fairfax County Public Schools (FCPS) Alcohol and Other Drug (AOD) Intervention Seminar. This activity is not intended for students who have already attended the seminar or for those who have been or are being disciplined for a distribution violation.
- b. Work with a Fairfax County Alcohol and Drug Youth Services (ADYS) school resource specialist.
- c. Drug testing and an evaluation for substance abuse treatment. These services are provided through Fairfax County ADYS, or the parent or guardian may choose to access services through a private provider.

Staff members from either the AOD Intervention Seminar or Fairfax County ADYS may recommend the student for drug testing and an evaluation for substance abuse treatment.

If the student and parent or guardian fail to provide, in a timely manner, documentation evidencing satisfactory participation in the designated activities listed above, the days of absence shall be unexcused.

The principal shall immediately notify the student's parent or guardian of the disciplinary action, the conditions for readmittance (where applicable), the fact that the absences will be excused if the student and parent or guardian comply with the requirements set forth above, the fact that all prohibited substance use violations are reported to the police, and the consequences of further violations. The student and parent or guardian shall be requested to sign a statement that they have been informed of the consequences of any subsequent violations as defined in this regulation.

B. Marijuana, Imitation Marijuana, Any Controlled Substance, Including Prescription Drugs, Imitation Controlled Substances (collectively, Illegal Drugs), or Drug Paraphernalia

The following violations shall result in disciplinary action and shall require mandatory sanctions:

1. The first violation for being under the influence of marijuana or of any illegal controlled substance (including "Ecstasy," cocaine, or any prescription medication not prescribed to the student) or for the illegal use of prescription drugs or for possession of drug paraphernalia **shall result in suspension from school for a minimum of five days and a maximum of ten days and suspension for 30 calendar days from all student activities, including teams, clubs, and all other school-sponsored activities. All illegal drug violations shall be reported to the police.** The days of absence from school shall be excused, and makeup work shall be provided by the school during the period of suspension if the student and the parent or guardian agree to, and in a timely fashion subsequently participate satisfactorily in, appropriate substance abuse prevention-intervention activities designated by the school principal.
2. A second and any subsequent violation of **any prohibited conduct** listed in section V.B.1. within 12 months of the prior offense **shall result in suspension**

from school for a minimum of ten days and suspension from all student activities including teams, clubs, and all other school-sponsored activities for the remainder of the school year and recommendation for expulsion.

3. Possession of a controlled substance, marijuana, an imitation controlled substance, or imitation marijuana while on school property or at a school-sponsored activity **shall result in a ten-day suspension from school and recommendation for expulsion.** The Division Superintendent shall conduct a hearing to determine whether a disciplinary action other than expulsion is appropriate. The School Board or Division Superintendent may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. **A report shall be made to the police** and the student may be charged with a criminal offense in accordance with applicable law.
4. A violation involving distributing, facilitating distribution, or manufacturing a controlled substance, including prescription drugs, an imitation controlled substance, marijuana, imitation marijuana, or drug paraphernalia, as defined in this regulation, **shall result in suspension from school for a minimum of ten days and recommendation for expulsion.** The Division Superintendent shall conduct a hearing to determine whether a disciplinary action other than expulsion is appropriate. The School Board or Division Superintendent may determine, based on the facts of the particular case, that special circumstances exist and that another disciplinary action is appropriate. A report shall be made to the police and the student may be charged with a criminal offense in accordance with applicable law.
5. Theft or attempted theft of a student's prescription medication shall result in disciplinary action and shall be reported to the police.
6. If the student is suspected of being under the influence of illegal drugs, or otherwise having violated the provisions of this section, the principal **shall notify the parent or guardian of the suspicion** and recommend that the parent or guardian pursue appropriate intervention. In addition, the principal may immediately require a drug test and evaluation for substance abuse treatment and, depending on the suspected level of illegal drug involvement, the principal will refer the student for at least one of the following activities:
 - a. Participation in the FCPS Alcohol and Other Drug (AOD) Intervention Seminar. This activity is not intended for students who have already attended the seminar or for those who have been or are being disciplined for a distribution violation.
 - b. Work with a Fairfax County Alcohol and Drug Youth Services (ADYS) school resource specialist.
 - c. Drug testing and an evaluation for substance abuse treatment. These services are provided through Fairfax County ADYS, or the parent or guardian may choose to access services through a private provider.

Staff members from either AOD Intervention Seminar or Fairfax County ADYS may further recommend the student for drug testing and an evaluation for substance abuse treatment.

If the student and parent or guardian fail to provide, in a timely manner, documentation evidencing satisfactory participation in the designated activities listed above, the days of absence shall be unexcused.

The principal shall immediately notify the student's parent or guardian of the suspension, the conditions for readmittance, the fact that the absences will be excused if the student and parent or guardian comply with the requirements set forth above, the fact that all illegal drug use violations are reported to the police, and the consequences of further violations. The student and parent or guardian shall be requested to sign a statement that they have been informed of the consequences of any subsequent violations as defined in this regulation (see attachments).

C. Reporting to Police and Parents or Guardians of Victims of Certain Code Violations

1. The principal **shall, in addition to taking appropriate disciplinary action, report to the police department incidents that may constitute violations of law specified in** Section 22.1-279.3:1 of the Code of Virginia, including all prohibited substance and illegal drug violations.

Any student who commits a reportable violation shall be required to participate in such prevention and intervention activities as may be prescribed by the Division Superintendent, in addition to any disciplinary action that may be taken.

2. Material that is suspected of being marijuana or a controlled substance **shall be turned over to the police department.**
3. School resource officers (SROs) and school educational officers (SEOs) are active members of the school administration and, as any other school official, are permitted to stop, question, and interview students and take action without contacting parents or guardians in advance.
4. The questioning of students by police officers, other than SROs and SEOs, in school or on school property about alleged illegal activities shall meet the conditions as defined in the current version of Regulation 2616.
5. The **principal shall also immediately report to the parents or guardians of any minor student who is the victim or intended victim of any act listed in section V.C.1.** that may constitute a criminal offense.

VI. RESPONSIBILITIES OF INDIVIDUAL SCHOOLS AND SCHOOL STAFF MEMBERS

In order to promote a school environment that is free of the use of prohibited substances, alcoholic beverages, and other intoxicants, the school principal shall do the following:

- A. Ensure that alcohol, tobacco, and other drug use education programs are implemented.
- B. Provide in-service activities for faculty and staff members.
- C. Maintain cooperation with the coordinator of the Office of Student Safety and Wellness (SSAW).
- D. Identify, annually, one member of the staff to act as the contact with SSAW. The alcohol, tobacco, and other drug use prevention contact shall coordinate the planning, implementing, and evaluating of prevention programs appropriate to the needs of the local school. This individual shall also attend scheduled in-service training activities provided by the coordinator of SSAW.
- E. Support, at elementary, middle, high, and secondary schools, the school-community coalition dedicated to the elimination of alcohol, tobacco, and other drug use. The school-community coalition shall consist of administrators, teachers, counselors, parents or guardians, and community representatives throughout the school pyramid to plan and implement prevention programs appropriate to the needs of the local school and the community.

Legal Reference: Code of Virginia, Sections 18.2-265.1 and 22.1-279.3:1

Sample parent or guardian letters are located at <http://fcpsnet.fcps.edu/ssse/ssaw>. This link is available only through computers within the internal FCPS network (FCPSnet).

See also the current versions of:

- Regulation 2102, First Aid, Emergency Treatment, and Administration of Medication for Students
- Regulation 2152, Smoking and Use of Tobacco Products by Students
- Regulation 2601, Student Responsibilities and Rights
- Regulation 2610, Removal (Suspension, Expulsion, or Exclusion) of Students From School
- Regulation 2616, Questioning of Students by Police