

# SMYRNA SCHOOL DISTRICT

## District Policy

**Article:** 5000 Students

**Title:** Student Drug and Alcohol

**Policy #:** 5145

### INTRODUCTION:

The Smyrna School District is interested in helping those students who may have a drug and/or alcohol problem. The end result of this program is not to expel students but, also, not to allow this problem to destroy the schools. It is deemed necessary by the School Board, for the protection of all, to support the staff in the implementation of this Drug and Alcohol Policy.

### POLICY:

#### **STUDENT DRUG USE**

The Smyrna Board of Education believes that the school environment should promote learning, physical and emotional growth, socialization, and individual development. It also believes that alcohol and/or drugs adversely affect such objectives. Therefore, possession, use, and/or distribution of alcohol and/or unauthorized drugs, drug paraphernalia or look-alike substances shall be prohibited within the school environment.

Regulations, procedures, and programs will be developed:

1. To prevent drug and alcohol use in the Smyrna school environment.
2. To encourage students with drug and alcohol use problems to seek voluntary assistance, counseling, and rehabilitation.
3. To meet problems of alcohol and drug use in the Smyrna school environment in a forthright and positive manner through progressive and corrective disciplinary actions.
4. To provide the school staff with the necessary training so that they can effectively administer and enforce this policy.

The Board believes that the above programs will also have a significant and positive impact on student drug and alcohol use in the non-school environment. However, the Board also believes that drug and alcohol use is society's problem and, therefore, it cannot be responsible for students' actions in the non-school environment.

#### **STUDENT DRUG ABUSE**

In accordance with the Smyrna School District policy on drug use by students, the principal of each school (or his/her designee) shall comply with the intent of the policy through the following:

A. **DEFINITIONS** - The following definitions shall apply to this policy and will be used in all district policies:

1. "**Alcohol**" shall mean alcohol or any alcoholic liquor capable of being consumed by a human being, as defined in Section 101 of Title 4 of the Delaware Code, including alcohol, spirits, wine and beer.
2. "**Drug**" shall mean any controlled substance or counterfeit substance as defined in Chapter 47 of Title 16 of the Delaware Code, including, for example, narcotic drugs such as heroin or cocaine, amphetamines, anabolic steroids, and marijuana, and shall include any prescription substance which has been given to or prescribed for a person other than

the student in whose possession it is found.

3. "Drug Paraphernalia" shall mean all equipment, products and materials as defined in Section 4701 of Title 16 of the Delaware Code, including, for example, roach clips, miniature cocaine spoons and containers for packaging drugs.
4. "Prescription Drugs" shall mean any substance obtained directly from or pursuant to a valid prescription or order of a practitioner, as defined in 16 Delaware Code, Section 4701 (24), while acting in the course of his or her professional practice, and which is specifically intended for the student in whose possession it is found.
5. "Drug-Like Substance" shall mean any non-controlled and/or nonprescription substance capable of producing a change in behavior or altering a state of mind or feeling, including, for example, some over-the-counter cough medicines, certain types of glue, and caffeine pills.
6. "Nonprescription Medication" shall mean any over-the-counter medication; some of these medications may be a "drug-like substance".
7. "Look-Alike Substance" shall mean any non-controlled substance which is packaged so as to appear to be, or about which a student makes an express or implied representation that the substance is, a drug or a non-controlled substance capable of producing a change in behavior or altering a state of mind or feeling. See 16 Delaware Code, Section 4752A.
8. "Possess", "Possessing", or "Possession" shall mean that a student has on the student's person, in the student's belongings, or under the student's reasonable control by placement of and knowledge of the whereabouts of, alcohol, a drug, a look-alike substance, a drug-like substance or drug paraphernalia.
9. "Use" shall mean that a student is reasonably known to have ingested, smoked or otherwise assimilated alcohol, a drug or a drug-like substance, or is reasonably found to be under the influence of such a substance.
10. "Distribute", "Distributing", or "Distribution" shall mean the transfer or attempted transfer of alcohol, a drug, a look-alike substance, a drug-like substance, or drug paraphernalia to any other person with or without the exchange of money or other valuable consideration.
11. "School Environment" shall mean within or on school property, and/or at school sanctioned or supervised activities, including, for example, on school grounds, on school buses, at functions held on school grounds, at extracurricular activities held on and off school grounds, on field trips and at functions held at the school in the evening.
12. "Expulsion" state regulations define expulsion as "The exclusion of a pupil from school on a permanent basis or for an indefinite period of time."
13. "Communications Devices" such as, but not limited to, mobile phones and electronic beepers, ordinarily have no place in the school environment. The unauthorized possession of such communication devices is prohibited.
14. "Zero Tolerance" It is against the law for anyone to possess illegal substances. All cases must be reported to the police.

## B. PREVENTION

Programs and curriculum in each school shall address the issue of drug abuse through

established instruction, counseling resources, printed materials, community resources, police services, etc. Included in the curriculum should be opportunities for students to clarify their values, cope with their feelings, make sound decisions, and develop a positive self-image.

C. **PRESCRIPTION AND NON-PRESCRIPTION DRUGS**

1. All prescription and non-prescription drugs must be stored in the nurse's office and will be dispensed by a state licensed nurse.
2. All medication must be kept in its original container (Chapter 47, Uniform Controlled Substances Act, Subchapter 4, Section 4758).
3. All medication must be accompanied by a written note from the parents or guardian.
4. Any medication not stored in the nurse's office may be considered an illegal substance unless prior permission is given.

D. **SYSTEM OF NOTIFICATION OF EACH STUDENT AND PARENT**

Each student and parent at the beginning of each school year, and when a student enters or re-enters the school during the school year, will be given copies of the State and the Smyrna School District policies and procedures on drug and alcohol use, possession and distribution.

E. **HANDICAPPED STUDENTS**

It is anticipated that the State and the Smyrna School District's policies shall apply to all students, except with respect to handicapped students. The federal law will be followed and a determination as to whether the violation of the alcohol and drug policy was due to the student's handicap will be made prior to any disciplinary action or change of placement in connection with the policy.

F. **PROCEDURE FOR STORAGE AND DOCUMENTATION OF EVIDENCE**

State policy will be followed: "All alcohol, drugs, drug-like substances, look-alike substances and/or drug paraphernalia found in a student's possession shall be turned over to the principal or designee, and be made available, in the case of a medical emergency, for identification. All substances shall be sealed and documented, and, in the case of substances covered by 16 Delaware Code, Chapter 47, turned over to police as potential evidence. A request for analysis shall be made where appropriate. All unauthorized communication devices shall be confiscated and turned over to the principal or designee who will bag, seal and document the device as potential evidence for the police. If the police do not want to keep it as evidence, the principal shall either donate the device to the State or local police or destroy the device within 45 days. In rare instances, donation or destruction may not be warranted; in such cases, the Superintendent of the district shall notify the State Board of Education in writing of the circumstances of the disposition of the device." (Passed by the State Board of Education on July 19, 1990.)

G. **PROCEDURE FOR SEARCH AND SEIZURE**

State policy will be followed: "Student lockers are the property of the school and may be subjected to search. Reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a look-alike substance of drug paraphernalia, or of a student's possession of an unauthorized electronic beeper or other mechanism of communication in the school environment may result in the student's locker being opened to look for such items." (Passed by the State Board of Education on July 19, 1990.)

"Student motor vehicle use to and in the school environment is a privilege which may be extended

by the school district to students in exchange for their cooperation in the maintenance of a safe school atmosphere. Reasonable suspicion of a student's use, possession or distribution of alcohol, a drug, a drug-like substance, a look-alike substance or drug paraphernalia, or of a student's possession of an unauthorized electronic beeper or other communication device in the school environment, may result in the student being asked to open an automobile in the school environment to permit school authorities to look for such items. Failure to open any part of the motor vehicle on the request of school authorities may result in the police being called to conduct a search, and will result in loss of the privilege to bring the vehicle on campus." (Passed by the State Board of Education on July 19, 1990.)

H. **INTERVENTION AND ASSISTANCE FOR STUDENTS AND PARENTS**

1. Each school shall have at least one designated person to whom staff can refer students to receive initial counseling and to obtain information on counseling/treatment services available to the student, on student rights, if any, to those services, and on the confidentiality which the student can expect.
2. A resource list of what is available in the school district and the community for counseling and for drug and/or alcohol treatment will be distributed to the students and their parents.
3. Drug and alcohol counseling cost will be at the student's and parents' expense. The school district will try to obtain free counseling services for students from approved Child Mental Health Services counseling agencies.

I. **STUDENTS OF MAJORITY AGE, I.E. AGE 18 OR OLDER**

Students of majority age, i.e. age 18 or older, are responsible for their own actions. All such students will be treated as adults for purposes of reporting violations of this policy and of the law to the police. Such students shall also be on notice that their parents and/or guardians will be notified (if their address and/or telephone number is known to the school) of the student's actions in accordance with this policy.

J. **PROCEDURES FOR REPORTING INCIDENTS**

Each principal shall designate the person to whom suspected students will be referred for observation or school action and shall insure that such referral procedure does not openly incriminate the student and is effected with the greatest discretion and confidentiality possible.

If a student is suspected of being under the influence of drugs, but evidence is not sufficient to warrant disciplinary action, the student shall immediately be remanded to his/her parent or guardian for observation and counseling.

If reasonable suspicion exists, the administrator (or designee) shall take disciplinary action.

K. **DISCIPLINE**

Disciplinary actions are listed below:

**Grades K-5**

1. Possession and/or use of drug paraphernalia, alcohol, a drug-like substance and/or a look-alike substance

First Offense:

- a. Reprimand and/or suspension from three to five school days.
- b. Written notification sent to parent/guardian by mail.
- c. Parent conference required.
- d. Referral to Social Services and/or police.
- e. Mandatory student conference with guidance counselor. Additional counseling may be provided by referral to other public agencies offering such services at the parent/legal guardian's expense.

Second Offense:

- a. Suspension from five to ten school days.
- b. Written notification sent to parent/guardian by mail.
- c. Referral to police and/or court.
- d. Parent conference with Superintendent required before returning to school. Also, before the student is readmitted to school, evidence must be shown that the student is attending an approved counseling program or service and is drug free. Failure to show evidence will result in notification of appropriate agencies and/or recommendation for expulsion.

Third Offense:

- a. Recommendation for expulsion.
- b. Suspension pending expulsion hearing.
- c. Written notification sent to parent/guardian by mail.
- d. Referral to police and/or court.
- e. Parent conference with School Board required before returning to school. Also, before the student is readmitted to school, evidence must be shown that the student is attending an approved counseling program or service and is drug free.

2. Distribution or Sale of Drugs

First Offense:

- a. Suspension from five to ten school days and/or possible recommendation for expulsion.
- b. Written notification sent to parent/guardian by mail.
- c. Referral to police and/or court.
- d. Parent conference with Superintendent required before returning to school. Also, before the student is readmitted to school, evidence must be shown that the student is attending an approved counseling program or service and is drug free.

Subsequent Offenses:

- a. Recommendation for expulsion.
- b. Suspension pending expulsion hearing.
- c. Written notification sent to parent/guardian by mail.
- d. Referral to police and/or court.
- e. Parent conference with School Board required before returning to school. Also, before student is readmitted to school, evidence must be shown that the student is attending an approved counseling program or services and is drug free.

## Grades 6-12

1. Possession and/or use of drug paraphernalia, alcohol, a drug-like substance and/or a look-alike substance

First Offense:

- a. Suspension from five to ten school days and/or possible recommendation for expulsion.
- b. Written notification sent to parent/guardian by mail.
- c. Parent conference with Superintendent required before returning to school.
- d. Referral to police and/or court.
- e. Mandatory participation in a counseling program - either a school program or one from a public agency offering such services (at the parent/guardian's expense).

Subsequent Offenses:

- a. Recommendation for expulsion.
- b. Suspension pending expulsion hearing.
- c. Written notification sent to parent/guardian by mail.
- d. Referral to police and/or court.
- e. Parent conference with School Board required before returning to school. Also, before the student is readmitted to school, evidence must be shown that the student is attending an approved counseling program or service and is drug free.

2. Distribution or Sale of Drugs

Each Offense:

- a. Recommendation for expulsion.
- b. Suspension pending expulsion hearing.
- c. Written notification sent to parent/guardian by mail.
- d. Referral to police and/or court.
- e. Parent conference with School Board required before returning to school. Also, before the student is readmitted to school, evidence must be shown that the student is attending an approved counseling program or service and is drug free.