

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT
INFORMATION FOR STUDENTS AND PARENTS
Controlled Substance

Controlled Substance

BP 5131.61

The Board of Education believes possession or use of drugs or alcohol on a school campus is a significant risk factor for any student. The Board desires to keep district schools free of alcohol, intoxicants and other drugs and believes that every effort should be made to inform students of risk factors inherent in controlled substance use.

The Board of Education strongly encourages any student who is using alcohol or drugs to inform his/her parent/guardian or any faculty or staff member such as a teacher, counselor or administrator. Students who self-refer and disclose past use of alcohol or drugs in order to seek assistance or intervention shall not be disciplined for such past use.

A student possessing, using or selling, being under the influence of, or otherwise furnishing to others a controlled substance, alcohol, intoxicant of any kind, or related paraphernalia at school, any school event, activity, field trip or on any school district property or adjacent public property shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations.

School administrators shall use a variety of developmentally appropriate interventions and discipline to address substance abuse, such as drug prevention education, counseling, parent meetings, loss of privileges, community service, suspension and expulsion.

Drug and alcohol education is a critical aspect of prevention. The school administrator and/or designee shall implement curriculum and supports to prevent, discourage and eliminate the use or possession of drugs, alcohol or tobacco and related paraphernalia at school, at any school event, activity, field trip or on any school district property or adjacent public property. These programs should be based on student needs and educationally sound and legally acceptable educational practices. Additionally, these programs should be developmentally and culturally appropriate instruction.

All secondary schools should include substance abuse support for students along with their drug prevention education program. The student support program should identify, assist and when appropriate, refer students with substance abuse problems to counseling and/or community resources.

The initial administrative response to drug offenses shall be to address the psychoeducational needs of the students. Interventions should include, but not be limited to, parent conferences, Student Study Team, referrals to school-based or community-based programs.

The principal or designee shall notify law enforcement of any student violating this policy. This notification shall be made within one school day after suspension or expulsion (Education Code 48902).

Distribution Guidelines

1. The above policy and procedure shall be distributed to all students Grades 1 – 12 at the beginning of each school year and to transfer students at the time of enrollment.
2. Within the first 30 days of school, each principal shall implement procedures to ensure that all students have acknowledged that they have received a copy of the above policy and indicated their obligation to share the contents of the policy with the parent/guardian.
3. Each principal will ensure that all elementary school students in the fourth and fifth grades and middle and high school students are explicitly informed of the provisions of the controlled substance policy through assemblies, presentations and/or direct instruction in appropriate classes.

Legal Reference:

EDUCATION CODE

35160.5 District policy rules and regulations; requirements; matters subject to regulation 44049 Known or suspected alcohol or controlled substance abuse by student

51262 Use of anabolic steroids; legislative finding and declaration CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system CODE OF

REGULATIONS, TITLE 5

350 Fees not permitted COURT DECISIONS

Brown v. Shasta Union High School District, No. C061972, 2010 WL 3442147 (Cal. App. 3d Sept. 2, 2010)

Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, (2002) 122 S.Ct. 2559 *Vernonia School District v. Acton*, (1995) 115 S.Ct. 2385

Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

OFFICE OF NATIONAL DRUG CONTROL POLICY PUBLICATIONS

What You Need To Know About Drug Testing in Schools, August 2002 WEB SITES

California Department of Education: <http://www.cde.ca.gov> National Institute on Drug Abuse:

<http://www.nida.nih.gov>

Office of National Drug Control Policy: <http://www.whitehousedrugpolicy.gov>

U.S. Department of Education: <http://www.ed.gov>

SANTA MONICA-MALIBU UNIFIED SCHOOL DISTRICT

adopted: August 19, 2009 Santa Monica, California

revised: June 2, 2011; January 19, 2012; September 6, 2018

Controlled Substance

AR 5131.61 Students

Possessing, using, selling, being under the influence of or otherwise furnishing to others a controlled substance, alcohol, intoxicant or related paraphernalia, at school, at any school event, activity, field trip or on any school district property or adjacent public property, is a significant risk factor for any student and is considered to be a threat to the educational process.

For violations of Board policy, Education Code, or law, the student, under guidelines indicated below, shall be subject to developmentally appropriate interventions and discipline. Interventions and discipline, include, but are not limited to, drug prevention education, counseling, parent meetings, loss of privileges, community service, suspension and expulsion.

The school administrator and/or designee shall implement curriculum and supports to prevent, discourage and eliminate the use or possession of controlled substances, drugs, or alcohol on campus and at school activities. School administrators shall use a variety of interventions to address substance use/abuse such as research-based drug prevention education, counseling intervention and discipline.

All secondary schools should include substance use/abuse support for students along with their drug education program. This student support program should identify, assist, and when appropriate, refer students with substance abuse problems to counseling and/or community resources.

Alcohol and Drug Prevention Instruction

The curriculum of all elementary and secondary schools shall include instruction on the effects upon the human body, as determined by science, of alcohol, narcotics, dangerous drugs and other dangerous substances as defined in Health and Safety Code 11032. Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51203, 51260)

In grades 1-6, instruction in drug education should be given in health courses required by Education Code 51210. (Education Code 51260)

In grades 7-12, instruction in drug education shall be conducted in health courses and in any other appropriate area of study required by Education Code 51220. (Education Code 51260)

Secondary school instruction shall also include a study of the effects of alcohol and other drugs upon prenatal development. (Education Code 51203)

Intervention

District staff shall intervene whenever students use a controlled substance, alcohol, intoxicant or related paraphernalia, at school, at any school activity or on any school district or adjacent property. Staff members who have reasonable suspicion that a student may be under the influence of alcohol or drugs shall immediately notify the principal or designee.

If the principal or designee observes or suspects that a student may be under the influence of alcohol or drugs, he/she shall notify the parent/guardian. (Education Code 44049)

School staff shall not disclose confidential information provided during counseling by a student 12 years of age or older. A school counselor may report such information to the principal or parent/guardian only when he/she believes that disclosure is necessary to avert a clear and present danger to the health, safety or welfare of the student or other persons living in the school community. The school counselor shall not disclose such information to the parent/guardian if he/she believes that the disclosure would result in a clear and present danger to the student's health, safety or welfare. (Education Code 44049, 49602)

Schools shall provide developmentally appropriate intervention and counseling support for any student in possession of or using a controlled substance, alcohol, intoxicant or related paraphernalia, at any school activity or on any school district or adjacent property.

Discipline and Intervention Procedures Governing Use, Possession, Being Under the Influence of a Controlled Substance Alcohol, Intoxicant or Related Paraphernalia at School (Grades 1-12)

Students possessing, using or selling a controlled substance, alcohol, intoxicant or related paraphernalia at school, at any school activity or on any school district or adjacent property shall be subject to disciplinary procedures including suspension or expulsion in accordance with law, Board policy and administrative regulations.

The principal or designee shall notify law enforcement of any student violating this policy. This notification shall be made within one school day after suspension or expulsion (Education Code 48902). Whenever students are to be questioned by a law enforcement officer, either as a suspect or a witness, staff shall comply with Administrative Regulations 5145.11 regarding the questioning and apprehension of students. This includes, but is not limited to, notifying the parent, completing the Police on Campus Reporting Form (Board Policy 5144.1), sending the completed form to the Student Services' office, and retaining one copy in an administrative file created specifically for these reports.

1. Elementary School - First Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken.

- a. The student shall be suspended for one (1) day.
- b. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to identify potentially on-going issues and develop an Action Plan designed to determine what, if any, developmentally appropriate interventions are necessary.
- c. If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the ~~five~~ one (1) day suspension; the permit may be revoked and the student directed to enroll in his/her neighborhood school.

2. Elementary School - Second or Subsequent Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that for a second time the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia the following steps shall be taken:

- a. The student shall be suspended for three (3) days.
- b. While the student is suspended, the student and his/her parent/guardian shall meet with a counselor trained in identifying drug or alcohol dependency, and/or co- occurring mental health issues. The counselor shall be a person identified by the Principal or designee. The counselor shall provide the parent/guardian with recommendations for developmentally appropriate interventions that the parent/guardian shall provide to the Principal or designee at the return from suspension meeting.
- c. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the recommendations from the counselor and develop an Action Plan based on these recommendations. The Principal or designee's determination of the Action Plan is final.
- d. If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the three (3)-day suspension; the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

3. Middle School - First Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that the student possessed, used, was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken.

- a. The student shall be suspended for three (3) days.
- b. While the student is suspended, the student and his/her parent/guardian shall meet with a counselor trained in identifying drug or alcohol dependency, and/or co- occurring mental health issues. The counselor shall be a person identified by the Principal or designee. The counselor shall provide the parent/guardian with recommendations for developmentally appropriate interventions that the parent/guardian shall provide to the Principal or designee at the return from suspension meeting.

- c. While the student is suspended, he/she shall complete an online education program that addresses the effects of alcohol, tobacco and drug use and how usage affects a person's life. The student shall complete the program before resuming attendance in his/her classes. Appropriate accommodations may be made for a student with an Individualized Education Plan (IEP) or Section 504 Accommodation Plan.
- d. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the recommendations from the counselor and develop an Action Plan based on these recommendations. The Principal or designee's determination of the Action Plan is final.
- e. The student shall complete five (5) hours of school or community service. The community service must be preapproved by the Principal or designee.
- f. To be eligible to participate in the culmination/promotion ceremony, a student on an Action Plan shall provide documentation showing that he/she has satisfactorily complied with all requirements of the Plan.
- g. If a student has been on an Action Plan for a period of time not long enough to have complied with all requirements of the Plan, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements that could have been completed prior to the ceremony. If the student does not complete and provide documentation for all of the above measures, he/she will not be allowed to participate in the ceremony and will remain on the Action Plan until all requirements are completed.
- h. If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the three (3)-day suspension; the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

4. Middle School - Second or Subsequent Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that for a second time the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken:

- a. The student shall be suspended for five (5) days.
- b. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the Action Plan in place, or prepare a new Action Plan, as appropriate. The Action Plan may include an involuntary transfer to another school or program, as determined by the Principal or designee. The Principal or designee's determination of the Action Plan is final.
- c. The principal shall recommend that the student be expelled from the district, unless the Principal or designee determines that expulsion should not be recommended under the circumstances. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement shall be provided.
- d. The student shall complete ten (10) hours of school or community service. The community service must be preapproved by the Principal or designee.
- e. Section 3(f) regarding promotion/culmination applies for a student who commits a second offense.
- f. If a student is attending school in the district on an interdistrict permit, the Principal will meet with the parents at the end of the five (5)-day suspension; the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

5. High School - First Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken.

- a. The student shall be suspended for three (3) days.
- b. While the student is suspended, the student and his/her parent/guardian shall meet with a counselor trained in identifying drug or alcohol dependency, and/or co-occurring mental health issues. The counselor shall be a person identified by the Principal or designee. The counselor shall provide the parent/guardian with recommendations for developmentally appropriate interventions that the parent/guardian shall provide to the Principal or designee at the return from suspension meeting.

- c. While the student is suspended, he/she shall complete an online education program that addresses the effects of alcohol, tobacco and drug use and how usage affects a person's life. The student shall complete the program before resuming attendance in his or her classes. Appropriate accommodations may be made for a student with an Individualized Education Plan (IEP) or Section 504 Accommodation Plan.
- d. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the recommendations from the counselor and develop an Action Plan based on these recommendations. The Principal or designee's determination of the Action Plan is final.
- e. The student shall complete ten (10) hours of community service. The community service must be preapproved by the Principal or designee.
- f. To be eligible to participate in the graduation ceremony, a student on an Action Plan shall provide documentation showing that he/she has satisfactorily complied with all requirements of the Plan.
If a student has been on an Action Plan for a period of time not long enough to have complied with all requirements of the Plan, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements that could have been completed prior to the graduation ceremony. If the student does not complete and provide documentation for all of the above measures, he/she will not be allowed to participate in the ceremony.
- g. If a student is attending school in the district on an interdistrict permit, the Principal will meet with the parents at the end of the three (3)-day suspension; the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

6. High School - Second or Subsequent Offense:

If the Superintendent or designee determines, in the presence of hard evidence, that for a second time, the student possessed, used, or was under the influence of a controlled substance, alcohol, intoxicant or related paraphernalia, the following steps shall be taken:

- a. The student shall be suspended for five (5) days.
- b. After the suspension, the Principal or designee shall hold a return from suspension meeting with the student and parent/guardian to review the Action Plan in place, or prepare a new Action Plan, as appropriate. The Action Plan may include an involuntary transfer to another school or program, as determined by the Principal or designee. The Principal or designee's determination of the Action Plan is final.
- c. The Principal shall recommend that the student be expelled from the district, unless is the Principal determines that expulsion should not be recommended under the circumstances. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement shall be provided.
- d. The student shall complete 15 hours of school or community service. The community service must be preapproved by the Principal or designee.
- e. Section 5(f) regarding graduation applies for a student who commits a second offense. If a student is attending school in the district on an interdistrict permit, the principal will meet with the parents at the end of the five (5)-day suspension; the permit shall be revoked and the student directed to enroll in his/her neighborhood school.

Discipline and Procedures for Governing Sales of a Controlled Substance Alcohol, or Intoxicant (Grades 1-12)

In cases where the principal or Superintendent determines, in the presence of hard evidence, that the student sold a controlled substance, alcohol, or intoxicant to others, the following steps shall be taken:

1. The student shall be suspended for five (5) days. (Enrollment at Saturday School cannot be used in lieu of suspension.)
2. The Santa Monica Police Department or the Los Angeles County Sheriff shall be notified.
3. The principal shall inform the Superintendent or designee of the incident and actions taken.
4. The Superintendent or designee shall recommend that the student be expelled from school, unless the principal finds, and so reports to the Superintendent or designee in writing, that expulsion is deemed inappropriate under the terms of a Special Education student's Manifestation Determination meeting. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement shall be provided.

Definitions of Evidence

1. Hard Evidence:

- a. An admission by the student of possessing, using, selling, being under the influence of, or otherwise furnishing to others a controlled substance, alcohol, intoxicant or related paraphernalia
- b. Discovery of the controlled substance, alcohol, intoxicant or related paraphernalia in the student's person or in possessions such as cars, lockers, or backpacks under the student's control.
- c. Eyewitness testimony of any school personnel of the actual possession, sale, use or furnishing to others.
- d. Eyewitness testimony of two or more students of the actual possession, sale, use or furnishing to others.

2. Soft Evidence:

Soft evidence is more subjective; it involves all other forms of evidence and is usually based on observation of student behavior.

Soft Evidence Procedures

Soft evidence cases will usually involve situations in which the student is suspected of being under the influence of a controlled substance, alcoholic beverage or intoxicant of any kind. In such a case, the administrator may consult with the school nurse. Distribution Guidelines

1. The above policy and procedure shall be distributed to all students Grades 1-12 at the beginning of each school year and to transfer students at the time of enrollment.
2. Within the first 30 days of school, each principal shall implement procedures to ensure that all students have acknowledged that they have received a copy of the above policy and indicated their obligation to share the contents of the policy with the parent/guardian.
3. Each principal will ensure that all fourth and fifth graders, middle and high school students are explicitly informed of the provisions of the controlled substance policy through assemblies, presentations and/or direct instruction in appropriate classes.