

**I. SUBSTANCE ABUSE PREVENTION EDUCATION**

A. Substance Abuse prevention education empowers youth to avoid problems related to the use/abuse of chemical substances prior to their onset. In our society, chemical substances are available in large supply and are easily accessible to youth. All societal institutions must play a crucial role in fostering a drug-free environment for youth. Schools are uniquely situated to be a part of the solution to student alcohol/drug use and will act in cooperation with students, parents, families, and the community to achieve this end.

B. Elkin City Schools will provide instruction to students, grades PreK-12, with an age-appropriate, grade sequential, alcohol and drug-specific curriculum to equip them with accurate information and life skills that positively influence their decisions concerning the use of alcohol/drugs. The curriculum will reflect a "NO" use message as opposed to a "responsible" use message. It also will follow the sequence of study as outlined in the Healthful Living Curriculum of the N.C. Standard Course of Study and Essential Standards.

**II. INTERVENTION**

Recognizing that substance abuse is an addictive illness that is progressive, it is imperative that processes be in place to interrupt the use/abuse cycle of substance users in order for them to receive appropriate assistance at the earliest possible time. Staff members at each school shall be trained to assist by providing intervention strategies and referrals. One of the best examples of early intervention strategies is the "School Assistance Team" which provides early identification, recommendations and referrals, incorporates school system and community resources, and maintains a follow-up process that provides ongoing personal contact and support for those at-risk (such as students returning from treatment facilities). The Board of Education requires each school to establish a School Assistance Team. While the school system can provide referrals for free assessments, it is not responsible to pay for professional or treatment services for students.

**III. POSSESSION, USE OR SALE OF ALCOHOL OR DRUGS PROHIBITED**

The possession, use, sale or distribution of any prohibited substance, as defined below, at school or any school-related activity is prohibited and will result in disciplinary action being taken against any student who engages in activity prohibited by this policy unless such possession and/or use is authorized by a prescription from a licensed physician.

A. The word "possession" shall mean having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to, the possession of a prohibited substance in a student's automobile, locker, book bag or desk, or on a student's person at school or at any school-related activity.

B. The words "prohibited substance" shall include:

1. wine, wine cooler, beer, and any other malt beverage; including "non-alcoholic" beer and malt beverages that contain less than .5 of one percent of alcohol.
2. alcohol, liquor, liqueurs, and mixed alcoholic beverages;
3. any drugs listed in the North Carolina Controlled Substances Act including but not necessarily limited to: narcotics, depressants, stimulants, hallucinogens, and cannabis, which drugs are commonly know or referred to as: marijuana, acid, LSD, speed, qualudes, valium, cocaine, crack, PCP, ice, steroids, and other names;
4. any prescription drug or medication that is not listed as a Controlled Substance under the North Carolina Controlled Substances Act, NCGS 90-86 et. seq., which has not been lawfully prescribed for the particular student possessing or using the medication.
5. any counterfeit controlled substance; and
6. any chemical compound which will induce a condition of intoxication when inhaled for that purpose.

C. The word "use" shall mean the consumption, injection, inhalation or absorption of a prohibited substance into a student's body by any means during normal school hours (including extra-curricular activities) or at any time prior to school or a school activity when the prohibited substance remains in the student's body or influences a student's behavior to any degree at school or a school-related activity.

D. The word "sale" shall mean the exchange of a prohibited substance for money, property, or any other consideration.

E. The word "distribution" shall mean the gift or exchange of a prohibited substance or the possession of an amount of a particular controlled substance which would establish an intent to distribute the substance under the provisions of the North Carolina Controlled Substances Act.

F. Abuse of over-the-counter (OTC) medications--Deliberately consuming an excessive quantity (more than the recommended dosage) of an OTC medication sufficient to significantly impair the student's mental and/or physical capability to function in the school environment or at a school-related activity.

## **IV. POSSESSION OF DRUG PARAPHERNALIA**

A. A student shall not knowingly use or possess with the intent to use at school or any school activity drug paraphernalia, as defined in NCGS §90-113.21 and this policy.

B. The term "drug paraphernalia," as defined in NCGS §90-113.21 and this policy means all equipment, products and materials of any kind that are used to facilitate or are intended or designed to facilitate, violations of this policy and/or the Controlled Substances Act, including planting, growing, making, producing, processing, testing, analyzing, packaging, containing, injecting, and/or inhaling controlled substances.

C. The term "drug paraphernalia" includes, but is not limited to, the following:

1. Testing equipment for identifying or analyzing the strength, effectiveness or purity of controlled substances;
2. Scales and balances for weighing or measuring controlled substances;
3. Capsules, envelopes, balloons or other containers for packaging small quantities of controlled substances;
4. Hypodermic syringes, needles, and other objects for injecting controlled substances into the body;
5. Objects for ingesting, inhaling or otherwise introducing marijuana, cocaine, crack, PCP or other controlled substances into the body such as:
  - a. metal, wooden, glass, ceramic and other kinds of pipes commonly used for smoking or inhaling controlled substances;
  - b. water pipes;
  - c. roach clips or similar objects for holding burning material such as a marijuana cigarette that has become too small or too short to be held in the hand;
  - d. miniature cocaine or crack spoons and vials;
  - e. bongs; and
  - f. rolling papers for making marijuana cigarettes.

D. In determining whether an object is drug paraphernalia, the school official may consider along with all other information obtained:

1. Statements by the owner or anyone in control of the object concerning its use;
2. Prior records of use or possession of controlled substances by the owner or person in control of the object;
3. The proximity of the object to a controlled substance or the residue of a controlled substance;
4. Instructions provided with the object concerning its use; and
5. Possible legitimate uses for the object.

E. Exception for school equipment and supplies.

The term drug paraphernalia does not include chemicals, supplies and equipment purchased, used and possessed for use in school sponsored and approved classes, projects and activities.

## **V. ADVERTISING OF ALCOHOLIC BEVERAGES AND THE USE OF CONTROLLED SUBSTANCES DISCOURAGED**

A. The commercial advertisement of beer, wine, wine coolers, mixed alcoholic beverages and any other kind of alcoholic beverage; the commercial advertisement of drug paraphernalia; and the commercial advertisement of controlled substances or the advantages of their use is prohibited at school or at school-related activities for students.

B. For the purposes of this policy, the term "commercial advertisement" shall mean any form or medium of commercial expression which is designed or intended to promote the sale, possession, and use of the prohibited substances defined in this policy the possession, use and sale of which are prohibited at school or school-related activities.

C. Commercial advertisement of prohibited substances shall not apply to the use of such advertisements by students and/or teachers in a school program or activity on the harmful effects of alcohol and drugs. Commercial advertisement of prohibited substances shall not apply to magazines, newspapers and other publications having a general circulation in the community, state and/or nation which are purchased by the school or school system for their educational value.

## **VI. PRESUMPTIVE DISCIPLINARY ACTIONS**

A. The following presumptive disciplinary actions are designed and intended to address the problem of alcohol and drug abuse among students by providing information and an intervention program for the first time user and to punish the student who sells or distributes alcohol or drugs to other students.

Any student who seeks the assistance of school personnel voluntarily for an alcohol or drug-related problem, other than the sale or distribution of prohibited substances, shall not be disciplined as described below but shall be provided such assistance as is available to help the student solve his/her problem, including but not necessarily limited to, referring the student to an approved treatment provider.

B. The Board of Education directs that the following disciplinary actions be taken when a student is found to have violated the prohibitions set forth in this policy:

1. Abuse of over-the-counter (OTC) medications and Possession/Use of a Prescription Drug or Medication that is Not a “Controlled Substance” Without a Prescription.
  - a. First Offense - The student shall be subject to a ten day suspension, but the suspension shall be stayed if the student and the student's parent(s) or guardian(s) agree to be assessed, at Board expense, by the school district's contracted provider to determine the extent of his/her substance use/abuse. The student must also attend and successfully complete a substance abuse education and/or intervention program at the student's/parent's expense recommended by the assessor or a similar organization approved by the superintendent.
  - b. Second Offense - The student shall be suspended for three to five days and subject to suspension for the remainder of the school year but the suspension for the remainder of the year shall be stayed if the student and the student's parent(s) or guardian(s) agree to be assessed, at Board expense, by the school district's contracted provider to determine the extent of his/her substance use/abuse. The student must also attend and successfully complete a substance abuse education and/or intervention program at the student's/parent's expense recommended by the assessor or a similar organization approved by the superintendent.
2. Possession or Use of a Prohibited Substance or Drug Paraphernalia or Distribution of a Prescription Medication (not a controlled substance)
  - a. First Offense - The student shall be suspended for three to five days and subject to a recommendation to the superintendent that the student be suspension for the remainder of the school year; but the suspension for the remainder of the year shall be stayed if the student and the student's parent(s) or guardian(s) agree to be

assessed, at Board expense, by the school district's contracted provider to determine the extent of his/her substance use/abuse. The student must also attend and successfully complete a substance abuse education and/or intervention program at the student's/parent's expense recommended by the assessor or a similar organization approved by the superintendent. At any point upon return, the student may be subject to random drug testing. The student also may be prosecuted under the juvenile or criminal laws of this state.

- b. Second Offense - For a second offense during a student's public school career, the student shall be subject to a 10 day suspension and a recommendation that the student be expelled. However, the student may apply for re-admission to the regular school program at the beginning of the next semester more than 45 school days after the date of the expulsion under the following conditions: (1) the student has agreed to be assessed and was assessed at Board expense, by the school district's contracted provider to determine the extent of his/her alcohol and/or drug use/abuse; (2) the student enrolled in and successfully completed an alcohol and/or drug abuse intervention program approved by the superintendent, at the student's and parent's expense; and (3) the student and his/her parents agree to mandatory drug testing of the student upon re-admission to school with the understanding that in the event of a positive drug or alcohol test the student will be subject to expulsion.

The appropriate law enforcement agency shall be notified of the incident. The student also may be prosecuted under the juvenile or criminal laws of this state.

3. Sale or Distribution of a Prohibited Substance or Drug Paraphernalia; Possession with the Intent to Sell or Distribute a Prohibited Substance; and Sale of a Prescription Drug or Medication that is Not a Controlled Substance.
  - a. First Offense: The student shall be subject to a ten-day suspension and recommendation to the superintendent that the student be expelled. Serious consideration shall be given by school and law enforcement officials to initiating a juvenile petition or a criminal prosecution (based on the age of the student). However, the student may apply for re-admission to the regular school program in accordance with G.S. §115C-391 under the following conditions: the student has agreed to be assessed and was assessed at Board expense, by the school district's contracted provider to determine the extent of his/her alcohol and/or drug use/abuse. The student must also attend and successfully complete a substance abuse education and/or intervention program at the student's/parent's expense recommended by the assessor or a similar organization approved by the superintendent; the student and his/her parents agree to mandatory drug testing of the student upon re-admission with the understanding that in the event of a positive

drug or alcohol test the student will be subject to expulsion if there is reason to believe that the student has been using alcohol or drugs.

- b. In addition to the above disciplinary actions, any student suspended from school for a violation of this policy shall not be allowed to participate in athletics and extra-curricular activities for a minimum of thirty (30) days when students are in attendance. Students may be suspended or expelled from a club, honor society, or other extra-curricular activity for a longer time period at the discretion of the principal or the principal's designee.
- c. Any prohibited substance or drug paraphernalia found at school or a school-related activity shall be confiscated by the school and any controlled substance confiscated shall be turned over to law enforcement officials.
- d. A factor which justifies a less serious disciplinary action includes, but is not necessarily limited to, that the child attends an elementary school.
- e. Factors which justify a more serious disciplinary action include, but are not necessarily limited to: if the student has a disciplinary record, if the student possessed or used an excessive amount of a prohibited substance, or if the student possessed or used a controlled substance listed on Schedules I through V of the Controlled Substance Act.
- f. At any point upon return, the student may be subject to random drug testing.
- g. Second Offense - For a second offense during a student's public school career, the student shall be subject to a 10 day suspension and a recommendation that the student be expelled. However, the student may apply for re-admission to the regular school program at the beginning of the next semester more than 45 school days after the date of the expulsion under the following conditions: (1) the student has agreed to be assessed and was assessed at Board expense, by the school district's contracted provider to determine the extent of his/her alcohol and/or drug use/abuse; (2) the student enrolled in and successfully completed an alcohol and/or drug abuse intervention program approved by the superintendent, at the student's and parent's expense; and (3) the student and his/her parents agree to mandatory drug testing of the student upon re-admission to school with the understanding that in the event of a positive drug or alcohol test the student will be subject to expulsion.

The appropriate law enforcement agency shall be notified of the incident. The student also may be prosecuted under the juvenile or criminal laws of this state.

## **VII. DUE PROCESS**

The due process procedures for short- and long-term suspensions contained in Policies 4351 and 4361 shall be observed prior to the implementation of disciplinary actions described above.

## **VIII. NOTIFICATION AND INVOLVEMENT OF PARENTS**

- A. A student's parents or guardian(s) shall be notified at any time a student is believed to have violated the policy.
- B. The parent(s) or guardian(s) of a student guilty of using or possessing a prohibited substance, are urged to participate in an approved alcohol and drug education program.

## **IX. NOTIFICATION AND INVOLVEMENT OF LAW ENFORCEMENT OFFICIALS**

- A. The principal or assistant principal shall inform the appropriate law enforcement agency when any controlled substance is possessed, used, sold, or distributed at school or at any school-related activity.
- B. Any controlled substance confiscated by school officials shall be turned over to the police or sheriff for identification, if necessary, and for disposal. The report of the law enforcement agency attesting to the nature of any confiscated substance shall be admissible as prima facie evidence of the identity of the substance at any student disciplinary hearing.
- C. School officials shall assist law enforcement officials with the prosecution of any person who sells or who is believed to have sold any controlled substance at school or at a school related activity.
- D. The superintendent is given the authority and power to authorize any local, state, or federal law enforcement agency to place an undercover officer or officers or a drug detecting dog in a school of this school system for the purpose of gathering evidence by lawful means which will lead to the arrest and conviction of any person who is violating the Controlled Substances Act of this state when the superintendent believes, at his discretion, that the incidence of alcohol and/or drug abuse at a school is endangering the health and welfare of the students assigned to the school.

## **X. ALCOHOL AND DRUG INCIDENCE SURVEYS**

- A. Surveys of students should be conducted periodically to determine the prevalence and incidence of alcohol and drug use among the students of this school system.

B. The survey shall be conducted in a manner that ensures the confidentiality of each student's responses. The information provided by a student on the survey shall not be used in any way or manner as an admission of alcohol or drug use by the student responding for the purpose of administering school discipline.

## **XI. RECORD KEEPING**

A. The superintendent or his designee shall be notified of each violation of this policy and periodic reports shall be produced by the superintendent or his designee on the incidence of alcohol and drug violations in the schools.

B. Any violation of this policy shall be recorded and placed in the student's cumulative folder. The records of a violation shall remain in the student's permanent record until the student graduates or withdraws from the school system, shall be retained for five years and then shall be destroyed unless expunged as provided by NCGS 115C-402.

## **XII. DRUG TESTING OF STUDENTS**

### **A. Reasonable Cause Alcohol/Drug Testing**

When a principal or assistant principal has reasonable basis to believe that a student is using or is under the influence of alcohol or a controlled substance at school or a school activity in violation of this policy, the school administrator may offer the student and the student's parents the opportunity for an alcohol and/or drug test, at Board expense, to determine whether the administrator's belief is justified. If the test results are negative for the presence of alcohol or an illegal drug, the student shall be found innocent of the allegations of misconduct. A decision by the student or the student's parent not to be tested shall not be used against the student. In that event, the school administrator shall base his/her disciplinary decision solely on the information obtained during the investigation of the alleged misconduct. If test results are positive for the presence of drug or alcohol, the results shall be considered relevant corroborative evidence of a violation of this policy.

### **B. Random Testing of Students Participating in Extra-Curricular Activities and Driving Vehicles**

1. Participating in extra-curricular activities and driving vehicles on school property are privileges and not rights. The use or abuse of alcohol and/or illegal drugs by these students is likely to increase student injuries to the user or others with whom he/she is interacting. The Board believes that the adoption of this random alcohol and drug testing policy will deter the use of alcohol and drugs among high school students and middle school students. Therefore, the Board of Education has adopted this policy on

the random alcohol and drug testing of student who participate in extra-curricular activities and drive vehicles on school property.

2. Students subject to random alcohol and drug testing: This policy applies to all high school students and middle school students who elect on a voluntary basis to participate in any school sponsored extra-curricular activity and/or to drive a vehicle on school property or to a school activity.
3. Random alcohol and drug testing required.

To be eligible to participate in extra-class activities, the student and his/her parents must agree in writing on a form adopted by the superintendent to submit to random alcohol and drug testing. Random drug testing of the eligible students shall be conducted on a periodic basis as established by the superintendent.

In addition to testing the students for alcohol, the students shall be tested for the presence of marijuana, cocaine, amphetamines, and any other drugs the superintendent deems appropriate as recommended by the school district's contracted provider and other community agencies.

No student may be disciplined, suspended or expelled for a positive test administered through this random program.

4. Consequences of a positive test

- a. First Offense

In the event a student fails or refuses to participate in the alcohol/drug test when selected at random or tests positive for alcohol or drugs, the student shall be ineligible to participate in extra-curricular activities for 365 calendar days. However, if the student agrees to be assessed by the school district's contracted provider and enroll in and successfully complete an alcohol and/or drug abuse education and/or intervention program recommended by the assessor or a similar organization approved by the superintendent at Board expense, the student shall regain eligibility to participate in extra-curricular activities immediately and to drive a vehicle on school property or to a school activity.

- b. Second Offense

In the event a student tests positive a second time or fails or refuses to participate in the second alcohol/drug test when selected at random, the student shall be ineligible to participate in extra-curricular activities for 365 calendar days or drive a vehicle on school property or to a school activity.

At any point upon return, the student may be subjected to random drug testing.

#### C. Voluntary Random Drug Testing Program

1. The Board authorizes and directs the superintendent to develop and implement a voluntary random alcohol and drug testing program.
2. Participation in the program must be based upon the voluntary written permission of the student and the student's parent or guardian.
3. A student must participate in the mandatory program in order to participate in any extra-curricular activity or to drive a car on school property or to a school activity.
4. If a student tests positive for alcohol or drugs, the report must be shared in a confidential manner with the student and the student's parents and information shall be provided to the student and the student's parents regarding alcohol and drug abuse prevention and intervention programs in the community. The report shall not be made a part of the student's education or discipline records.
5. No student may be disciplined, suspended or expelled for a positive test administered through this voluntary program.

#### D. Testing Procedures.

It is the responsibility of the superintendent to develop and implement testing procedures for each of the above programs that:

1. Respect the privacy interests of the students during the collection of urine samples;
2. Provide a secure chain of custody of each student's urine sample;
3. Provide for a screening and confirming tests using generally accepted testing procedures by an approved laboratory;
4. Provide an opportunity for a student who tests positive for alcohol or drugs to submit appropriate documentation of any medications he/she is using to a medical review officer to explain the test results before the results are reported to school officials. If the medical review officer is satisfied that the positive test result was caused by the use of prescribed or lawful medications, the test shall be reported as negative to school officials.

5. Provide an opportunity for a student who tests positive to submit a portion of his/her urine sample to a private approved laboratory at the student's expense for a second confirming test.

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