

**STUDENT DRUG ABUSE  
SUBSTANCE ABUSE - STUDENT ASSISTANCE PROGRAM**

The primary responsibility for helping students who are involved with substance abuse lies with the students and their parents. A supportive school environment is necessary for students who have been involved with substance use/abuse.

The Board supports substance abuse programs that may vary in scope according to individual needs. Included among these would be programs for persons who desire more information, and for those who need help with intervention activities and programs.

The Board supports efforts to help students during the school days, as well as to reinforce programs offered through other agencies. To that end, individual school substance abuse programs should provide group experiences (i.e. Lions Quest, Skills for Adolescents, etc.), individual counseling, and such other devices as are judged to be necessary by school personnel and other involved agencies.

Alcohol and illegal drug use/abuse shall be prohibited by the Code of Student Conduct in compliance with all applicable federal, state, and local requirements.

The Board will not tolerate the possession, distribution, or use of drugs or alcohol on Board property or at any school activity. This applies to any individual who is in or on school property, in a private vehicle on school property, in attendance at school, or at a school sponsored activity.

**RATIONALE**

The use of drugs, alcohol, steroids, and other chemicals has become a serious problem in our country. The policy is designed to alert young people of the seriousness of the use of these substances, as well as to serve as a corrective deterrent and a protection for our youth. This policy applies to any student who is in or on school property, in a private vehicle on school property, in attendance at school, at a school-sponsored activity, or anytime the Superintendent or his designee has received an official report of the conviction for offenses involving marijuana or controlled substances.

**I. Definition of Terms**

- A. Alcoholic Beverages: A substance that contains alcohol that may be used as a beverage to produce intoxication, including so-called “non-intoxicating” beer.
- B. Sale or Distribution: The act of distributing, delivering, selling, dispensing, marketing, merchandising, or giving away a substance identified in this policy, or transporting or possessing a substance identified in this policy for said purposes.
- C. Use or Abuse: The improper use of a controlled substance by ingestion, injection, or inhalation.
- D. Possession: Presence of a controlled substance on a student; in or on any item belonging to the student or under the control of the student while at school, while being transported to or from school, or at any school activity.

- E. Controlled Substance: “Controlled substance” means a drug, substance or immediate precursor in Schedules I through V of article two of the Uniform Controlled Substance Act.
- F. Counterfeit Substance: “Counterfeit Substance” means a controlled substance which, or the container or labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor or dispenser other than the person who in fact manufactured, distributed or dispensed the substance.
- G. Imitation Controlled Substance: “Imitation controlled substance” means (1) a controlled substance which is falsely represented to be a different controlled substance, or (2) a drug or substance which is not a controlled substance but which is falsely represented to be a controlled substance, or (3) a controlled substance or other drug or substance or a combination thereof which is shaped, sized, colored, marked, imprinted, numbered, labeled, packages, distributed or prices so as to cause a reasonable person to believe that it is a controlled substance.
- H. Medications: Any prescription or non-prescription drug, medicine, vitamin, or other chemicals including, but not limited to, aspirin, other pain relievers, steroids, stimulants, diet pills, multiple or other types of vitamins, pep pills, “no doz” pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants and sleeping pills not taken and used in accordance with this policy. Verified parent permission is required for possession or use of any prescription or non-prescription medicine.
- I. Paraphernalia: Any paraphernalia, tools, or items associated with the distribution and/or use of the prohibited substances referred to in this policy will also be prohibited.
- J. Non-Controlled Substances - Other: Any other drug or substance that is represented or believed by the student to cause a narcotic or toxic effect through its use or misuse.

## **PROHIBITED ACTIVITIES**

It shall be against school policy for any student:

1. to sell, supply, or give, or attempt to sell, supply, or give to any person any of the substances listed in this policy or what the student represents or believes to be any of the substances listed in this policy or other substances represented to create a narcotic or toxic effect.
2. to possess, procure, or purchase, to attempt to possess, procure, or purchase, to be under the influence of (legal intoxication not required) or to use or consume, the substances listed in this policy or what is represented by or to the student to be any of the substances listed in this policy or what the student believes to be any of the substances in this policy or other substances represented to produce a narcotic or toxic effect.

## **PROHIBITED SUBSTANCES**

Substances prohibited by this policy are:

1. Alcohol or any alcoholic beverages, any abusable glue or aerosol paint, or any other chemical substances, including, but not limited to, lighter fluid and reproduction fluid for inhalation.
2. Any controlled substances or dangerous drugs as defined by the Uniform Controlled Substance Act; Schedules I-V, Schedules including, but not limited to, marijuana, any narcotic drug, any hallucinogen, any stimulant, or any depressant. Verified parent permission is required for possession or use of any prescription or non-prescription medicine.
3. Any prescription or non-prescription drug, medicine, vitamin, or other chemicals including, but not limited to, aspirin, other pain relievers, steroids, stimulants, diet pills, multiple or other types of vitamins, pep pills, "no doz" pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants and sleeping pills not taken and used in accordance with this policy. Verified parent permission is required for possession or use of any prescription or non-prescription medicine.
4. Any other substance or substance represented to create a narcotic or toxic effect through its use or misuse, including, but not limited to, jimson weed or other natural substances.

## **PARAPHERNALIA**

Any paraphernalia, tools, or items associated with the distribution and/or use of the prohibited substances referred to in this policy will also be prohibited.

## **AUTHORIZED USE OF DRUGS**

Any student whose parent/guardian requests that he be allowed to take prescription or non-prescription medicines, drugs, or vitamins, will be allowed to do so with the written permission of the parent/guardian. All substances authorized for use under this policy must be brought directly, upon arrival on school grounds, to the Principal or his designee(s), and Administration of Medication to Students, Policy JLA, shall be followed..

## ***PENALTIES AND RECOMMENDATIONS FOR VIOLATION OF THIS POLICY: CONTROLLED SUBSTANCES, OR REPRESENTATIVES OF A SUBSTANCE AS BEING CONTROLLED, NARCOTIC OR TOXIC IN EFFECT.***

### FIRST OFFENSE

1. The student shall be recommended for counseling.
2. The student shall be given a minimum of three (3) days of out-of-school suspension, will be separated from school facilities as soon as possible, and may be recommended for long-term suspension or expulsion (refer to #9 below).
3. The Principal, or his designee(s), shall notify legal authorities when the law has been violated.

4. The student shall be suspended from participation in all school activities other than regular classes or curricular programs/events directly related to academic expectations (i.e. Board) for a period of at least 45 school days. These shall include:
  - ✓ extracurricular athletic teams;
  - ✓ attendance at extracurricular activities, including athletic events, dances, presentations, clubs, etc.
5. The student will be prohibited from being on any school property at any time while on suspension, except to attend regular classes. In situations when there is less than 45 school days remaining in the current school year, the suspension will be continued upon the student's enrollment for the following school year.
6. Students who do not successfully complete the waiver option will not be eligible for any school recognitions, awards, or honors during the term of their suspension.
7. The student must demonstrate satisfactory effort/progress classes commensurate with his ability.
8. The student upon returning to school after suspension, may be required to participate in a conference involving the parent/guardian and certain school officials.
9. The Principal, or his designee(s), may recommend expulsion of the student to the Superintendent if circumstances warrant such action.

Violation of any disciplinary action rendered under this section of the policy will result in a recommendation for expulsion.

#### WAIVER OPTION FOR FIRST OFFENSE

The 45-day suspension from all school activities may be reduced provided the student willingly, actively, and cooperatively participates in a counseling program and completes a special work program approved by the Superintendent, or his designee, and the Principal of the school the student attends.

The waiver option applies to first offenses only and must be requested in writing by the parent/guardian and approved by the Principal. Upon receipt of a request for waiver, the principal will review and evaluate the circumstances related to the case and will determine whether or not a waiver should be considered. The Principal has responsibility for the safety and welfare of all students under his/her care. He must act with extreme caution when making decisions that could adversely affect the orderly operation of the school for which he is responsible.

#### CONDITIONS OF A WAIVER

1. A minimum of eight (8) hours of professional counseling for the student will be required. Two (2) hours must be individual counseling. The remaining six (6) hours can be either individual or group counseling, which will be left to the discretion of the person providing the counseling. The financial obligation for services received is solely the responsibility of the parent/guardian. Indigent families may contact South Branch Valley/Hardy County resource agencies who may provide these services at minimal or no cost to the indigent client. School officials may provide assistance in securing counseling.

2. The counselor will provide the Principal a statement indicating whether or not the student is mentally and physically capable of complying with the student drug abuse policy currently in effect in Hardy County Schools.
3. The counselor will provide the Principal a statement indicating whether or not the student and parent/guardian were cooperative.
4. The student must undergo an examination, either written or oral, to determine his knowledge and understanding of the current county student drug abuse policy.
5. The student must successfully complete a minimum of ten (10) hours of special work without pay. The work will be performed in the student's assigned school. Special work to be performed must be approved by the Principal and the Superintendent or his designee. Any work assigned must comply with safety and health requirements, be conducted under appropriate supervision, and not be of a "preventive" nature.
6. Effort will not be made on behalf of the Principal to create work solely for the purpose of attaining a waiver of the 45-day suspension from all school activities. The 45-day suspension remains in effect until all conditions of this section of the policy are completed. The student will be permitted to remain on school grounds before and after normal class hours during the time he is performing the ten (10) hours of special work.
7. Upon completion of all conditions of the waiver, a conference must be held by the Principal with the parent/guardian and the student.
8. Students who successfully complete the waiver option will be returned to good standing status.

REPEATED OFFENSES: Abuse of Controlled Substance

1. The student shall be suspended from school until the case is considered by the Superintendent.
2. The Principal shall notify legal authorities when the law has been violated.
3. The Principal shall recommend to the Superintendent that the student be expelled from all schools, all school grounds, and all school sponsored activities.
4. The Hardy County School Board shall take any other action deemed necessary by law, including, but not limited to, counseling and medical treatment.

ADMINISTRATIVE PROCEDURES: Controlled Substance

1. The parent/guardian will be notified as soon as possible after it has been determined that a student has violated any of the conditions set forth in this policy.
2. The student shall be suspended and separated from school facilities as soon as possible after it has been determined that he has violated this policy.
3. Written notification shall be provided:
  - a. For the first offense, a letter informing the parent/guardian of the incident, the number of school days the student is to be suspended, and the date the student is to return to school will be forwarded to the parent/guardian as soon as possible after the incident occurs.

- b. For repeated offenses, a letter will be forwarded to the parent/guardian, as soon as possible after the incident, informing them that the student is suspended from school, school grounds, and all school related activities. Also, the letter will state the Principal's intention of recommending to the Superintendent that the student be expelled from all schools, all school grounds, and all school related activities. The suspension will be for up to ten (10) days or until the Superintendent has acted upon the Principal's recommendation.
4. The Superintendent, or his designee, will inform the parent/guardian in writing of the disposition of the Principal's recommendation for expulsion within ten (10) school days after receipt of the letter.

The parent/guardian may appeal the decision of the Principal and/or the disposition of the recommendation by the Superintendent to the Hardy County School Board.

### ***PENALTIES AND RECOMMENDATIONS FOR VIOLATION OF THIS POLICY: NON-CONTROLLED SUBSTANCES, PRESCRIPTION MEDICINES:***

When a student has violated the provisions of this policy with regard to non-controlled substances/prescription medicines, latitude shall be granted to the Principal with regard to the imposing of disciplinary actions. This shall be based upon clear evidence that the policy infraction was not of a manner that was intentionally illegal in nature or was not intended to represent a non-controlled substance as an illegal drug.

### **ADMINISTRATIVE PROCEDURES**

1. Appropriate disciplinary actions/warnings shall be enacted.
2. The parent/guardian will be notified as soon as possible after it has been determined that a student has violated any of the conditions set forth in this policy.
3. The student may be suspended and separated from school facilities after it has been determined that he/she has violated this policy.
4. Written notification shall be provided:
  - a. For the first offense, a letter informing the parent/guardian of the incident, the disciplinary action taken, and consequences of repeated violations.
  - b. For repeated offenses, a letter will be forwarded to the parent/guardian, as soon as possible after the incident, informing them that the student is suspended from school, school grounds, and all school related activities. The suspension may be for up to ten (10) days.

### **DRUG AND ALCOHOL EDUCATION AND ABUSE**

The Hardy County School Board has initiated and developed the following policy and regulations on drug and alcohol education and abuse. The policy is necessary in order that all school personnel,

students, parents/guardians, and affiliated auxiliary agencies are aware of the role the school will play in situations involving drug and alcohol abuse.

All professional personnel will periodically be provided in-service training designed to update and increase their knowledge of drug and alcohol abuse.

Drug and alcohol education will be incorporated in grades Kindergarten through twelve with major emphasis for instruction being placed in health classes. Other teachers are responsible for providing drug and alcohol instruction at appropriate times depending on the occasion.

It shall be the responsibility of all teachers and other employees to report immediately to the Principal or their appropriate supervisor, any student whose behavior is observed to be indicative of one under the influence of a controlled substance. Teachers and other employees shall attempt to confiscate any material in a student's possession that appears to be a controlled substance and give same immediately to the Principal or other supervisor.

The Board, pursuant to Section §29-12-5a of the West Virginia Code, shall defend any teacher or other employee against legal action brought against them for reporting in good faith an incident or suspected possession or use of a controlled substance.

The penalties imposed by this policy are in no way intended to supplant any penalties that may be imposed for violation of the criminal statutes. Employees of the Board shall cooperate fully with any law enforcement officials in any criminal investigation or substance abuse.

SOURCE: Board of Education Minutes

DATE: June 15, 1987 - August 21, 1995 - February 7, 2000 - March 1, 2000 - April 8, 2002

Legal Reference: West Virginia Code §60A-1-101, §60A-2-201-213, §18A-5-1, §18A-5-1a, State Board of Education Policy No. 242-2.5

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**STUDENT DRUG ABUSE - REGULATIONS**

1. Under extenuating circumstances the Superintendent, or his designee, may grant exceptions to the penalties recommended for prescription and non-prescription medicine violations of Policy JCF, after consulting with the Principal. The request for exception shall be in writing and briefly summarize the reason for such exception.
2. No counseling, special work, practice for extracurricular events, or participation in extracurricular events shall occur while a child is on suspension; however, the process of arranging special work and counseling may be pursued during this time.
3. If a first-time offender is granted a waiver, and conforms to all conditions of the waiver, and completes the requirements of the waiver, that student is reinstated in good standing and is eligible for recognition that would otherwise be denied.
4. Counselor is interpreted to mean any certified or licensed counselor, psychologist, psychiatrist. Such services shall be at the expense of the parents/guardians.
5. Statements from the Counselor to the Principal regarding expectations stated in the waiver shall be in writing.
6. Principals shall make students aware of the Board's policy on substance abuse at the beginning of each school year.

