

ALCOHOL AND OTHER DRUGS

Instruction

The Board of Trustees believes that the use of alcohol or other drugs adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious social and legal consequences. The Superintendent or designee shall develop comprehensive programs and activities to foster safe, healthy and drug-free environments that support academic achievement.

The District's alcohol and drug prevention and intervention programs shall be coordinated to the extent possible with other school and community-based services and programs and shall promote the involvement of parents/guardians. The Superintendent or designee may collaborate with the county office of education, community-based organizations, health care providers, law enforcement agencies, local child welfare agencies, postsecondary institutions, businesses, and other public and private entities in program planning, implementation and evaluation.

Prevention and intervention programs and activities may include, but are not limited to: (20 USC § 7118)

1. Evidence-based drug and violence prevention activities and programs that educate students against the use of illegal and prescription drugs, alcohol, tobacco, cannabis, smokeless tobacco products and electronic cigarettes;
2. Professional development and training for school staff, specialized instructional support personnel, and interested community members on drug prevention, education, early identification, intervention mentoring, recovery support services, and where appropriate, rehabilitation referral;
3. School-based mental health services, including early identification of drug use and referrals to counseling services, and/or partnerships with public or private health care entities that have qualified mental and behavioral health professionals; and
4. Programs and activities that provide mentoring and school counseling to all students, including students who are at risk of drug use and abuse.

The District shall provide preventative instruction, which has been proven effective in helping students avoid and/or discontinue the use of alcohol and other drugs.

All instruction and related materials shall consistently state that unlawful use of alcohol or other drugs is prohibited. Instruction shall not include any message on responsible use of drugs or alcohol when such use is illegal. (Health and Safety Code 11999.2)

The intent of these instructional programs will be to help students obtain and use current and accurate information, develop and maintain a positive self-concept, and use appropriate social and personal

ALCOHOL AND OTHER DRUGS (continued)

skills to resist involvement with alcohol and other drugs.

Students shall receive instruction by appropriately trained instructors about the nature and effects of alcohol and other drugs on individuals, families and communities, including restricted dangerous drugs defined by Health and Safety Code 11032, 11056, 11057 and Schedule I and II drugs, defined by Health and Safety Code 11054 and 11055. (Education Code 51260)

Site administrators shall determine that drug education instructors are appropriately trained, having demonstrated that they possess:

1. The ability to interact with students in a positive way.
2. Knowledge of the properties and effects of alcohol, narcotics, dangerous drugs, and shared drug apparatus.
3. Effective teaching skills and competency in helping students to express opinions responsibly and to become aware of their values as they affect drug-use decisions. (Education Code 51260)

District shall offer staff development activities for staff who implement the comprehensive drug and alcohol prevention and intervention program.

At all grade levels, instruction shall include a study of the effects and consequences of alcohol and other drugs upon the human system. (Education Code 51203, 51260)

Instruction shall be sequential in nature and suited to meet the needs of students at their respective grade level. (Education Code 51260)

In Grades 1 through 6, instruction in drug education should be given in health units required by Education Code 51210. (Education Code 51260)

In Grades 7 through 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 include a study of the effects of alcohol and other drugs upon prenatal development, as determined by science. (Education Code 51203)

The District drug education program shall augment any program provided by county drug education services. (Education Code 51260)

Staff shall take every opportunity to cooperate with county staff in planning and implementing collaborative alcohol and drug prevention programs.

ALCOHOL AND OTHER DRUGS (continued)

Intervention, Referral and Student Assistance Programs

The Superintendent or designee shall inform school staff, students, and parents/guardians about early warning signs, which may indicate alcohol and other drug use, and about appropriate agencies offering intervention programs, counseling, referral and other student assistance programs.

The Board supports intervention programs for students who use alcohol and controlled substances that include the involvement of students, parents/guardians and community agencies/organizations.

School personnel shall be trained to identify symptoms, which may indicate use of alcohol and other controlled substances. Students and parents/guardians shall be informed about the signs of alcohol and other controlled substances use and of appropriate agencies offering counseling.

Staff shall intervene whenever students use alcohol and other controlled substances while on school property or under school jurisdiction.

Staff members who believe that a student may be under the influence of alcohol or controlled substances shall immediately notify the principal or designee. Notification shall be made in person or via phone, since email correspondence may not always be received/read in a timely manner.

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

In severe cases, if the parents/guardians or the school medical personnel are not immediately available, the principal or designee is authorized to call an ambulance to remove a student suspected of being under the influence of a controlled substance to a hospital, unless the student's parent/guardian previously filed a written objection with the school District to any medical treatment other than first aid. (Education Code 49407.). Parents/guardians will be notified of this action and shall be responsible for the incurred expenses.

Non-punitive Self-Referral

The Board strongly encourages any student who is using alcohol or other drugs or controlled substances to discuss the matter with his/her parent/guardian or with any staff member. Students who disclose past use of alcohol or other drugs when seeking help from an intervention or recovery program shall not be punished or disciplined by school officials for such use.

Enforcement/Discipline

The Superintendent or designee shall take appropriate action to eliminate possession, use or sale of alcohol and other drugs and related paraphernalia on school grounds, at school events, or in any situation in which the school is responsible for the conduct and well-being of students. Students

ALCOHOL AND OTHER DRUGS (continued)

possessing, selling and/or using alcohol or other drugs or related paraphernalia shall be subject to disciplinary procedures, which may result in suspension or expulsion.

Students shall not possess, use, or sell alcohol or other drugs and related paraphernalia on school grounds or at school-sponsored activities.

The Superintendent or designee shall clearly communicate to all students, staff and parents/guardians the District's policies, regulations and school rules related to the use of alcohol and other drugs.

Any student found by the Board to be selling a controlled substance listed in Health and Safety Code 11053-11058 shall be expelled in accordance with BP 5152, Expulsion, Suspension, Involuntary Transfers, Exclusions, and Due Process.

Program Evaluation

The Board and Superintendent shall agree upon performance measures that will be used to monitor and determine the effectiveness of District programs in reducing drug and alcohol use. The Superintendent or designee shall periodically report to the Board on the effectiveness of District activities in achieving identified objectives and outcomes. (20 USC 7116)

1. Use, possession or under the influence of an illegal/controlled substance, alcohol, intoxicant, or possession of paraphernalia

The Board recognizes its role in the effort to keep District schools free of alcohol, and other controlled substances. It is well known that the use of these substances adversely affects a student's ability to achieve academic success, is physically and emotionally harmful, and has serious medical and legal consequences.

The Board desires that every effort be made to reduce the chances that students will begin or continue the use of alcohol, and other controlled substances. Use of alcohol, or tobacco, like any other controlled substance, is illegal for minors.

The above stipulations may include but are not limited to any form of alcohol, controlled substances, inhalants, salvia, edibles, vaporizers, and/or "look-a-likes."

a. When any student uses or possesses alcohol or illegal controlled substances at school or while under school jurisdiction, the following shall result:

- (1) Parent/guardian contact.
- (2) Suspension or Alternative to Suspension

- (3) Contact law enforcement authority within one school day of the suspension.
- (4) Restriction from school activities.
- (5) Placement on Step 4 of a Behavior Contract

b. In addition, the following action may be taken:

- (1) Referral to an appropriate community-counseling program.
- (2) Transfer/Alternative Placement.
- (3) Possible recommendation for expulsion.

2. **Continued Use or Possession of Alcohol or Other Controlled Substances**

When intervention efforts fail and the student continues to use or possess alcohol or other controlled substances at school or at any school activity, he/she shall be recommended for expulsion.

3. **Drug dealing, negotiating for sale, distribution, or furnishing of prescription medication, or a controlled substance**

According to Education Code § 48915, sales of controlled substances is a mandatory recommendation for expulsion (Health and Safety Code 11053.) This rule also applies to but is not limited to any form of alcohol or drugs; including prescription drugs.

- a. When a student sells or provides alcohol or other controlled substances at school or while under school jurisdiction, the following shall result:
 - (1) Parent/guardian contact.
 - (2) 5-day suspension or Alternative to Suspension.
 - (3) Law enforcement contact within one school day of the suspension.
 - (4) Recommendation for expulsion.
- b. Staff shall notify the principal or designee immediately upon suspecting a student is selling or providing alcohol and other controlled substances. Notification shall be made in person or via phone, since email correspondence may not always be received/red in a timely manner. The principal or designee may notify law enforcement prior to confronting or searching the student.
- c. A search for alcohol and controlled substances may be made in accordance with the provisions of law and Board policy.

ALCOHOL AND OTHER DRUGS (continued)

- d. When there is good evidence that a student has actually sold or provided alcohol, other controlled substances or drug paraphernalia on or about the school premises or at school- sponsored functions, law enforcement shall be notified.

In instances where school personnel and/or law enforcement personnel have knowledge that a student is involved in either alcohol use, controlled substance use, or is at significant risk of becoming involved in these activities, disclosure of juvenile offender information and student information shall occur between school and law enforcement officials, as provided for by law.

The exchange of student information between the school and agency shall occur by means of oral communication; therefore, the parental notification requirements of the California Education Code will not be applicable.

*Legal Reference:*EDUCATION CODE*44049 Known or suspected alcohol or controlled substance abuse by student**48900 Suspension or expulsion (ground)**48900.5 Suspension, limitation on imposition; exception**48901 Smoking or use of tobacco prohibited**48902 Notification to law enforcement**49602 Confidentiality and disclosure of pupil information**51202 Instruction in personal and public health and safety**51203 Instruction on alcohol, narcotics and restricted dangerous drugs**51210 Areas of study Grades 1 to 6**51220 Areas of study, Grades 7 to 12**51260 Elementary and secondary school instruction in drug education by appropriately trained instructors**51264 CDE assistance for in service training**51265 Gang violence and drug and alcohol abuse prevention in service 51266**Model substance abuse prevention curriculum for Grades 2, 4 and 6**51268 Coordination of resources*HEALTH AND SAFETY CODE*11032 Narcotics, restricted dangerous drugs and marijuana; construction of terms used in other divisions**11357 Unauthorized possession of marijuana; punishment; prior conviction; possession; prior conviction; possession in school or on school grounds 11361.5**11999-11999.3 Illegal Use of Drugs and Alcohol*PENAL CODE*13864 Comprehensive alcohol and drug prevention education*WELFARE AND INSTITUTIONS CODE

ALCOHOL AND OTHER DRUGS (continued)

828 Disclosure of information re minors

828.1 Disclosure of criminal records; protection of vulnerable staff and students

DRUG-FREE SCHOOLS AND COMMUNITY ACT OF 1986

Public Law 99-570

DRUG-FREE SCHOOLS AND COMMUNITY ACT AMENDMENTS OF 1989

H.R. 3614

Policy
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CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California