



ADMINISTRATIVE PROCEDURE

CATEGORY: **Students, Discipline**

SUBJECT: **Alcohol, Tobacco/Nicotine, and Other Drugs**

A. PURPOSE AND SCOPE

1. To outline administrative procedures related to substance abuse policies and programs for students, including education, intervention, support, discipline and consequences for alcohol, tobacco/nicotine, and/or drug possession, use, sale or provision on all district school campuses.
2. **Related Procedures:**

Liquor Licenses	0215
Tobacco/Nicotine-Free District	0220
Interscholastic Athletic Program Eligibility Requirements	4172
Independent Study	4316
Eligibility for Participation in Co-curricular and Extracurricular Activities	4350
Searches and Seizures by School Officials	5065
Drugs, Narcotics, Alcohol – General	5140
Discipline and Supervision, General	6270
Suspension	6290
Expulsion	6295
Medication	6372
Professional Responsibilities of Certificated Employees	7046

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policies F-2000, H-5000, H-6000, H-6800, H-6900, H-6940 and H-7700; California Education Code §48900, 48910, 48911, and 48915-48917; California Health and Safety Code §11014.5; California Penal Code §308; HR 3614.ENR, 101st Congress, Drug-Free Schools and Communities Act of 1989.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Counseling and Guidance Department, Student Services Division.
2. **Definitions.**
 - a. **Discipline:** Teaching students to behave in ways that contribute to academic achievement and school success, as well as support a school climate where students and staff are responsible and respectful. Successful school discipline includes:
 - (1) Engaging and effective instruction and classroom management.
 - (2) Preventing misbehavior before it occurs and using effective interventions after it occurs.
 - (3) Strengthening school safety and academic success by encouraging all school staff to build positive relationships with students and be actively engaged in their students' academic lives and learning.

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- (4) Promoting high standards of behavior from school teams by teaching, modeling, and monitoring behavior and by fairly and consistently correcting misbehavior as necessary.
 - (5) Pairing school discipline with meaningful instruction and guidance to offer students an opportunity to learn from their mistakes and contribute to the school community, which is more likely to result in re-engaging the student in learning.
 - (6) Maximizing the amount of time students spend learning and minimizing the time students are removed from school due to misbehavior.
- b. **Graduated sanctions:** A system of set integrated intervention strategies designed to operate in unison to enhance accountability, ensure public safety, reduce recidivism and prevent future negative behavior by moving from limited interventions to more restrictive (i.e., graduated) penalties according to the severity and nature of the behavior.
 - c. **Suspension:** Temporary removal of a student from ongoing instruction at the school site for the purposes of readjustment, as outlined in Administrative Procedure 6290.
 - d. **Expulsion:** Removal of a student from the immediate supervision and control, or general supervision, of school personnel, as outlined in Administrative Procedure 6295.
 - e. **Suspended expulsion:** Upon recommendation of the Expulsion Review Panel or hearing officer, modifying an expulsion order contingent upon fulfillment of certain conditions. A student whose expulsion is suspended pursuant to Education Code §48917 may be assigned by the Board of Education to a school, alternative school, class, independent study program, or program deemed appropriate for the student's rehabilitation. During the period of the suspended expulsion, the student is deemed to be on "probationary status." Upon satisfactory completion of the student's rehabilitation assignment, the Board of Education shall reinstate the student in a district school and also may order the expungement of any and all records of the expulsion proceedings.
 - f. **Intoxicant:** A substance that markedly diminishes physical and mental control.
 - g. **Controlled/prohibited substance:** Alcohol, tobacco/nicotine, or other drug whose possession and use is legally restricted by Education Code, Health and Safety Code §11014.5, or law.
 - h. **Possession of a controlled/prohibited substance:** Custody or control of a controlled/prohibited substance (e.g., on one's person, in an assigned locker or desk).
 - i. **Furnishing a controlled/prohibited substance (not for sale):** Offering, arranging or negotiating to give a controlled substance to another person who is not legally entitled to that substance; possessing an amount of a controlled/prohibited substance determined to be more than for personal use.
 - j. **Over-the-counter (OTC) drugs:** Nonprescription drugs whose use is controlled on school campuses by district policy and procedure.

- k. **Intervention:** The use of educational strategies to provide students with the knowledge and skills to eliminate substance use and engage in health-promoting behaviors.
 - l. **Support:** A program or group that addresses such topics as addiction, social/emotional/ health, physical and/or academic concerns. These programs and groups provide support, not therapy.
 - m. **Drug paraphernalia:** All equipment, products, and materials of any kind which are intended or designed for use in compounding, processing, preparing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance.
 - n. **Tobacco/nicotine paraphernalia:** Penal Code §308 makes it unlawful for persons under 18 years of age to possess paraphernalia for smoking or ingesting tobacco/nicotine products.
 - o. **Substance in lieu of controlled/prohibited substance:** A liquid, substance, or material represented as a controlled/prohibited substance defined in Health and Safety Code §11014.5.
 - p. **Drug-free workplace:** A workplace or facility at which possession or use of alcohol, tobacco/nicotine, drugs and paraphernalia is not permitted. All district schools and facilities are drug-free workplaces.
 - q. **Tobacco/nicotine-free district:** A school district on whose property any possession, use, furnishing, or sale of tobacco/nicotine products by students is strictly prohibited. (Administrative Procedure 0220)
 - r. **Performance-enhancing substance:** The possession, use, and abuse of androgenic/anabolic steroids and other performance enhancing substances by students is strictly prohibited in compliance with Education Code provisions, Health and Safety Code requirements, and the California Interscholastic Federation (CIF). Medical exceptions are defined in Administrative Procedure 6372.
3. Accountability rests with all staff members, students, and parents/guardians. For first and second offenses, possession and use of alcohol and other drugs, student needs shall be identified on the Substance Use Intervention Contract (Attachment 1) and shall be addressed at the school site. If additional services are needed by students/families, appropriate referrals will be made through the Counseling and Guidance or Nursing and Wellness Departments.
4. Educational programs for alcohol, tobacco/nicotine, and other drugs are outlined in the district's Framework for Wellness, adopted by the Board of Education in April 2015.
5. **Discipline.**
- a. All discipline related to alcohol, tobacco/nicotine, and other drugs will be consistent districtwide, grades K-12, as outlined in the Uniform Discipline Plan; enforcement will be progressive and will apply to all incidents that occur on district campuses or at activities under the jurisdiction of the school.

- b. The time period for assessing disciplinary steps will be based on the grade-level span of the student's school – elementary, middle or senior high. Disciplinary steps must be publicized and reviewed with students and parents/guardians at the opening of each school year.
- c. Unauthorized use of over-the-counter, nonprescription drugs will be handled as prohibited substances. Self-referrals (i.e., students who voluntarily report their substance abuse) are encouraged and may not be subject to disciplinary action.
- d. Sanctions for the following offenses are defined in the Uniform Discipline Plan and shall not be calculated with those for possession or use:
 - (1) Drug paraphernalia
 - (2) Tobacco/nicotine paraphernalia
 - (3) Substance in lieu of controlled/prohibited substances

D. IMPLEMENTATION

- 1. Teacher or other staff member shall immediately notify appropriate site principal/administrator of any suspected possession, use, provision, or sale of alcohol, tobacco/nicotine or other drugs on a school site or at any activity or location under the jurisdiction of the school.
- 2. Site principal/administrator or designee conducts an investigation that includes but is not limited to interviewing the student or students in question, interviewing witnesses, and gathering appropriate evidence.
- 3. Site substance abuse prevention plans are to be included in site discipline plans and the plan or a summary is distributed to parents/guardians before the beginning of each school year.
- 4. Parents/guardians review materials provided by the district related to alcohol, tobacco/nicotine, and other drugs, sign and return when requested, an agreement to abide by all school and district regulations related to substance abuse. Parents/guardians are further encouraged to participate in substance abuse education workshops available through the district or in the community.
- 5. Counseling and Guidance Director or designee shall preside at all hearings on expulsions related to substance abuse.
- 6. Superintendent shall enforce, monitor, and evaluate district programs and procedures related to alcohol, tobacco/nicotine, and other drugs.
- 7. Board of Education adopts policy and approves implementation of programs related to alcohol, tobacco/nicotine, and other drugs.

8. Graduated sanctions.

- a. **Possession and/or use, first offense.** All of the following steps are to be implemented. A student under the influence of a prohibited substance is to be treated first as a medical/health issue.
- (1) Contact parent/guardian immediately regarding the student's health and well-being.
 - (2) Referral to law enforcement. School officials must notify School Police Services and obtain a School Police Event Number. Any action taken by the police will be in addition to any action taken by the district.
 - (3) Level 4 or 5 intervention as outlined in the Uniform Discipline Plan. A suspension may be reduced or waived at the discretion of the site principal/administrator if the parent/guardian and student agree to participate in a district-approved intervention services program or recognized community-based or private agency that provides intervention-based age appropriate lessons. Any fees associated with community-based or private organizations are the responsibility of the parent/guardian.
 - (4) Parent/guardian and student sign Substance Use Intervention Contract (Attachment 1).
 - (5) Other appropriate interventions as determined by site principal/administrator or designee, school counselor or school psychologist.
 - (6) Potential loss of eligibility to hold student office or to participate in interscholastic or extracurricular activity for 15 school days. Summer vacations or holiday breaks do not count toward the 15 school day loss of eligibility requirement.
 - (7) Enforcement of all other school rules related to the incident.
- b. **Possession and/or use – second offense.** All of the following steps are to be implemented.
- (1) Contact parent/guardian immediately upon verification of the offense by School Police Services.
 - (2) Referral to law enforcement. School officials must notify School Police Services and obtain a School Police Event Number. Any action taken by the police will be in addition to any action taken by the district.
 - (3) Appropriate interventions as determined by site principal/administrator or designee, school counselor or school psychologist.
 - (4) Three- to five-day suspension. The suspension may be reduced or waived at the discretion of the site principal/administrator if the parent/guardian and student agree to participate in a comprehensive medical/health assessment, including chemical substance screening. The student will be referred to an outside agency for evaluation, screening, and completion of a recommended substance abuse

treatment program that meets the approval of the district. Upon completion of outside treatment/services, and/or concurrently with outside treatment/services, student will enroll and attend additional site-based services provided by the Student Services Division. (Student and family will be informed that they are responsible for all costs incurred if they choose outside agency services and must also provide the district with proof of completion).

- (5) Parent/guardian and student sign Substance Use Intervention Contract (Attachment 1). Violation of this contract may result in reinstatement of a suspension.
- (6) Potential loss of eligibility to hold student office or to participate in interscholastic or extracurricular activity for 30 school days. Summer vacations or holiday breaks do not count towards the 30 school day loss of eligibility requirement.
 - (a) Seniors will be denied participation in commencement exercises (and other senior activities) for zero tolerance infractions or activities resulting in a five-day suspension, and may be denied participation for suspensions of less than five days during their senior year.
 - (i) Students with disabilities who receive special education services that have received five-day suspensions may be exempt from this requirement if the student's Individualized Education Program or 504 team has conducted a Manifestation Determination meeting that resulted in the behavior being directly related to the student's disability, or the behavior resulting from a failure of the Local Educational Agency to implement the student's Individualized Education Program or 504 plan.

c. **Possession and/or use – third offense.** All of the following steps are to be implemented.

- (1) Contact parent/guardian immediately upon verification of the offense by School Police Services.
- (2) Referral to law enforcement. School officials must notify School Police Services and obtain a School Police Event Number. Any action taken by the police will be in addition to any action taken by the district.
- (3) Appropriate interventions as determined by site principal/administrator or designee, school counselor or school psychologist.
- (4) Three- to five-day suspension. The suspension may be reduced or waived at the discretion of the site principal/administrator if the parent/guardian and student agree to participate in a comprehensive medical/health assessment, including chemical substance screening. The student will be referred to an outside agency for evaluation, screening, and completion of a recommended substance abuse treatment program that meets the approval of the district. Upon completion of outside treatment/services, and/or concurrently with outside treatment/services, student will enroll and attend additional site-based services provided by the Student Services Division. (Student and family will be informed that they are

responsible for all costs incurred if they choose outside agency services and must also provide the district with proof of completion.)

- (5) Parent/guardian and student sign Substance Use Intervention Contract (Attachment 1). Violation of this contract will result in a reinstatement of a suspension.
 - (6) Potential loss of eligibility to hold student office or to participate in interscholastic or extracurricular activity for 45 school days. Summer vacations or holiday breaks do not count towards the 45 school day loss of eligibility requirement.
 - (a) Seniors will be denied participation in commencement exercises (and other senior activities) for zero tolerance infractions or activities resulting in a five-day suspension, and may be denied participation for suspensions of less than five days during their senior year.
 - (i) Students with disabilities who receive special education services that have received five-day suspensions may be exempt from this requirement if the student's Individualized Education Program or 504 team has conducted a Manifestation Determination meeting that resulted in the behavior being directly related to the student's disability, or the behavior resulting from a failure of the Local Educational Agency to implement the student's Individualized Education Program or 504 plan.
- d. **Possession and/or use – fourth offense and beyond.** All of the following steps are to be implemented.
- (1) Contact parent/guardian immediately upon verification of the offense by School Police Services.
 - (2) Referral to law enforcement. School officials must notify School Police Services and obtain a School Police Event Number. Any action taken by the police will be in addition to any action taken by the district.
 - (3) Appropriate interventions as determined by the site principal/administrator or designee, school counselor or school psychologist.
 - (4) Five-day suspension with discretionary recommendation for expulsion (includes tobacco/nicotine offenses) as described in Administrative Procedure 6295.
- e. **Furnishing or possession of a controlled substance in an amount for more than personal use.** All of the following steps are to be implemented.
- (1) Contact parent/guardian immediately upon verification of the offense by School Police Services.
 - (2) Referral to law enforcement. School officials must notify School Police Services and obtain a School Police Event Number. Any action taken by the police will be in addition to any action taken by the district.

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- (3) Appropriate interventions as determined by site principal/administrator or designee, school counselor or school psychologist.
 - (4) Five-day suspension with discretionary recommendation for expulsion (includes tobacco/nicotine offenses) as described in Administrative Procedure 6295.
- f. **Selling of a controlled substance** is subject to suspension with mandatory recommendation for expulsion per Education Code §48915(c), as outlined in Administrative Procedure 6295.

E. FORMS AND AUXILIARY REFERENCES

- 1. Substance Use Intervention Contract (Attachment 1)
- 2. San Diego Unified School District's Framework for Wellness, available on the district website at <https://www.sandiegounified.org/health-and-wellness>
- 3. San Diego Unified School District Uniform Discipline Plan, available on the district website at <https://www.sandiegounified.org/student-discipline-policies>
- 4. Facts for Parents available on the district website at <https://www.sandiegounified.org/facts-parents>
- 5. California Interscholastic Federation Green Book, available online at <http://www.cifsds.org/governance.html>
- 6. Report on Suspension available on the district website at <https://www.sandiegounified.org/suspension-process>

F. REPORTS AND RECORDS

- 1. School processes within 24 hours Report on Suspension and Substance Use Intervention Contract; sends copy to parent/guardian and enters data in student information system under discipline history.
- 2. Short-term suspension records and information shall be retained by each school.
- 3. Notation of suspension is not retained on student's transcript.

G. APPROVED BY



General Counsel, Legal Services
As to form and legality

SUBJECT: **Alcohol, Tobacco/Nicotine, and Other Drugs**

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H. ISSUED BY

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