

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

Controlled Substance

BP 5131.61 Students

Possession or use of drugs or alcohol on a school campus represents 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.

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. The student shall also be placed on academic probation or a behavior contract and referred to a counseling program. The student may also be transferred to an alternative placement. High School students shall be restricted from cocurricular and extracurricular activities. The student may also be transferred to another school or an alternate educational setting.

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.

The Board desires to keep district schools free of controlled substances, alcohol, intoxicants of any kind, or, related paraphernalia, and believes that every effort should be made to inform students of the risks inherent in substance use.

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 parent conferences, Student Study Team, referrals to school-based or community-based programs shall be considered.

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 10 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.

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 considered to be a threat to the educational process.

For the offenses indicated, the student, under guidelines indicated below, may be subject to academic probation or a behavior contract, an obligation to complete the district counseling requirement, community service, prohibition from participation in cocurricular and extracurricular school activities, suspension, transfer to another school, 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 abuse such as research-based drug prevention education, counseling intervention and discipline.

All secondary schools should include substance 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.

The initial administrative response to drug offenses shall be to address the psychoeducational needs of the student. Discipline and interventions should be developmentally appropriate and include parent conferences, student counseling, and Student Study Team. Referrals to school-based or community-based programs shall also be considered.

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.

The rights and responsibilities section of the school district suspension form shall be observed by the school principal or designee. This includes the parent's right to have access to student records and the parent's or student's right to an appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student may be allowed to complete assignments and tests missed during a suspension.

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. A student in possession of a controlled substance, alcohol, intoxicant or related paraphernalia, shall be suspended for three days.
- b. The student shall be placed on a behavior contract.
 - (1) Students shall complete 24 hours of a drug prevention education program or substance abuse counseling program offered by the district. If a parent/guardian would like his/her child to participate in an alternate program, the program must be preapproved by the administrator or designee. If a parent/guardian would like his/her child to attend private counseling or a private drug prevention education program, he/she must get the administrator or designee's preapproval. Private programs will not be funded by the district. Parent/guardian shall attend 12 hours of substance abuse counseling designed for parents.
 - (2) The student shall complete 15 hours of school or community service. If community service is determined the community agency must be preapproved by the school.
 - (3) To be eligible to participate in the end of the school year promotion ceremony, the student shall provide documentation showing that he/she has satisfactorily complied with all requirements of the behavior contract

If a student has been on a behavior contract for a period of time not long enough to have complied with all requirements the behavior contract, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements of the behavior contract that could have been completed prior to the promotion ceremony.

- (4) If the student does not complete and provide documentation for all of the above measures, he/she will remain on behavior contract with loss of privileges until all are completed.

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 five days.
- b. The principal may recommend that the student be expelled from the district unless it is determined that expulsion is inappropriate under the particular circumstances of the case. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement will be provided.
- 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 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. A student in possession of a controlled substance, alcohol, intoxicant or related paraphernalia, shall be suspended for three days.
- b. The student shall be placed on a behavior contract.
 - (1) The student shall complete 24 hours of a drug prevention education program or substance abuse counseling program offered by the district. If a parent/guardian would like his/her child to participate in an alternate program, the program must be preapproved by the administrator or designee. If a parent would like his/her child to attend private counseling or a private drug prevention education, he/she must get the administrator or designee's preapproval. Private programs will not be funded by the district. Parent/guardian shall attend 12 hours of substance abuse counseling designed for parents.
 - (2) The student shall complete 15 hours of school or community service. If community service is determined the community agency must be preapproved by the school.
 - (3) To be eligible to participate in the culmination/promotion ceremony, a student on a behavior contract shall provide documentation showing that he/she has satisfactorily complied with all requirements of the contract.

If a student has been on a behavior contract for a period of time not long enough to have complied with all requirements of the behavior contract, 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.

- (4) If the student does not complete and provide documentation for all of the above measures, he/she will remain on the behavior contract with loss of privileges until all requirements are completed.

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 days.
- b. The principal may recommend that the student be expelled from the district unless it is determined that expulsion is inappropriate under the particular circumstances of the case. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement will be provided.
- 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 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. A student in possession of a controlled substance, alcohol, intoxicant or related paraphernalia, shall be suspended for five days. (Enrollment at Saturday School cannot be used in lieu of suspension.)
- b. The student shall be placed on academic probation for a period of four weeks. The terms of academic probation include participation in a drug prevention or substance abuse counseling program, community service and the loss of the privilege to participate in cocurricular activities, extracurricular school activities, and graduation and senior activities. Students in cocurricular activities shall be considered excused from their cocurricular activities for the duration of academic probation. Teachers may assign an alternate assignment in lieu of participation, but students shall not be penalized or lose academic credits for non-participation related to academic probation requirements.
 - (1) The student shall complete 24 hours of a drug prevention education program or substance abuse counseling in a program offered by the district. If a parent/guardian would like his/her child to participate in an alternate program, the program must be preapproved by the administrator or designee. If a parent/guardian would like his/her child to attend private counseling or a private drug prevention education, he/she must get the administrator or designee's preapproval. Private programs will not be funded by the district. Parent/guardian shall attend 12 hours of substance abuse counseling designed for parents.
 - (2) The student shall complete 40 hours of community service from a community agency preapproved by the school.
 - (3) At the end of the four week academic probation period, the student must submit documentation to demonstrate satisfactory effort to comply with the requirements of academic probation. Upon providing documentation demonstrating satisfactory effort to comply with the requirements of academic probation, the student may resume participation in cocurricular and extracurricular school activities. The student shall have an additional six weeks to complete the remaining academic probation requirements. If the student is unable to provide documentation of appropriate effort toward fulfillment of academic probation requirements, the student shall remain on academic probation with loss of privileges until the academic probation contract is complete.

To be eligible to participate in the graduation ceremony, the student on academic probation shall provide documentation showing that he/she has satisfactorily complied with all requirements of the probation contract.

If a student has been on academic probation for a period of time not long enough to have complied with all requirements of academic probation, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements of academic probation that could have been completed prior to the graduation ceremony.

- (4) If the student fails to complete all of the above by the last day of the semester in which the probation was scheduled to end, student will be transferred to another school in the district for the entire next semester. At the end of that semester, the student will be returned to his/her home school if the student has completed the terms of probation requirements.

If a student has been on academic probation for a period of time not long enough to have complied with all requirements of academic probation by the last day of the semester, then he/she shall provide documentation showing that he/she has made satisfactory progress towards compliance with all requirements of academic probation that could have been complied with prior to the semester end.

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 days. The rights and responsibilities section of the district suspension form shall be observed by the principal or designee. Parent will be notified of the allegation and evidence. This includes the parent's right to have access to student records and the parent's or student's right to appeal following the district's appeal procedures. When make-up work can be reasonably provided, the student may be allowed to complete all assignments and tests missed during the suspension.

- b. The principal may recommend that the student be expelled from the district unless it is determined that expulsion is inappropriate under the particular circumstances of the case. During the period when the student is awaiting the expulsion hearing, make-up work or an alternate school placement will be provided.
- 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 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 or provided a controlled substance, alcohol, or intoxicant to others, the following steps shall be taken:

1. The student shall be suspended for five 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 will 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 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 shall consult with the school nurse and may require the completion of the Behavioral Observation Form shown in the Discipline Handbook to determine safety needs of the student.

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 10 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

approved: January 19, 2012 Santa Monica, California

A complete catalog of Santa Monica-Malibu Unified School District Policies, including legal references, is available on the District's website at <http://www.smmusd.org/>.