



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 6298

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CATEGORY: Student, Discipline

EFFECTIVE: 4-01-97

SUBJECT: Alcohol, Tobacco, and Other Drugs

REVISED: 7-13-2001

A. PURPOSE AND SCOPE

1. To outline general legal requirements and administrative procedures governing substance abuse policies and programs for students; and to outline specific procedures on such matters as education, intervention, support, discipline, and consequences, including suspension and expulsion, for alcohol, tobacco, and/or drug possession, use, sale, or provision on district school campuses, K-12.
2. **Related Procedures:**

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B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: F-2000, H-5000, H-6000, H-6800, H-6900, H-6940; Education Code Sections 48900, 48910, 48911, 48915-48917; Health and Safety Code Section 11014.5.
2. **Federal Law:** Drug-free campuses.

C. GENERAL

1. **Originating Office:** Suggestions or questions concerning this procedure should be directed to the Student Support Services Department, Center for Student Support and Special Education Services.
2. **Definitions**
 - a. **Discipline:** Punishment or control gained by enforcing obedience or order.

- b. **Graduated sanctions:** Increasing severity of punishment with repeated offenses or increasing gravity of the offense.
- c. **Suspension:** Temporary removal of a student from ongoing instruction at the school site for the purposes of adjustment and calling attention to the seriousness of his/her behavior. The following *do not* constitute formal suspension:
- (1) Reassignment to another educational program or class at the same school.
 - (2) Referral to a district employee designated by the principal to advise students.
 - (3) Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or principal's designee for appropriate action. Removal from a particular class shall not occur more than once every five (5) school days. (Education Code Section 48910)
 - (4) Reassignment to an independent study program pursuant to Procedure 4316.
- d. **Expulsion:** Removal of a student from the immediate supervision and control, or general supervision, of school personnel as outlined in Procedure 6295. An expelled student may not participate in any district program or activity, including any independent study program; however, the student may be eligible to attend the county Summit Court Schools.
- e. **Suspended expulsion:** Setting aside an expulsion contingent upon the student fulfilling certain conditions. Upon recommendation of the Expulsion Review Panel, a student whose expulsion is suspended pursuant to Education Code Section 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 rehabilitation assignment by the student, 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 which markedly diminishes physical and mental control.

- g. **Controlled/prohibited substance:** Alcohol, tobacco, or other drug whose possession and use is legally restricted by the Education Code, Health and Safety Code Section 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 a locker or desk assigned to one).
- 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 drugs:** Nonprescription drugs whose use is controlled on school campuses by district policy and procedures.
- k. **Intervention program:** 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 topics such as addiction, social/emotional, health, physical, and/or academic concerns. The 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 paraphernalia:** Penal Code Section 308 makes it unlawful to possess paraphernalia for smoking tobacco.
- o. **Substance in lieu of controlled/prohibited substance.** A liquid, substance, or material represented as a controlled/prohibited substance defined in the Health and Safety Code Section 11014.5.
- p. **Drug-free workplace:** A workplace or facility at which possession or use of alcohol, tobacco, and drugs is not permitted. All district schools and facilities are drug-free workplaces.

- q. **Tobacco-free district:** A school district on whose property any possession, use, furnishing, or sale of tobacco products by students is strictly prohibited. Pursuant to board approval, the San Diego Unified School District became a tobacco-free district on July 1, 1995.
- r. **Performance enhancing substances:** 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 California Interscholastic Federation Rule 524. Medical exceptions are defined in Procedure 6372.
3. **Accountability** is a shared responsibility and rests with all staff members, students, and parents. For first and second offenses, possession and use of alcohol and other drugs, student needs shall be identified on the "Substance Use Intervention Contract" form (E.2., Attachment 1) and shall be addressed at the residence site. School Initiated Placements (SIPs) shall be considered through the Placement and Appeal Office only when the intervention specified in the second contract has not been achieved. If additional services are needed by the students/families, appropriate referrals will be made.
4. **District Program for Alcohol, Tobacco, and Other Drugs.** The district program shall be comprehensive in scope and include all grades, K–12. The objectives of the program are to provide preventive and supportive strategies for students, including education regarding this district policy. Beginning with school year 2000-2001, Required Health Education Instruction for middle level, grades 6-8, will be implemented. Required Health Instruction for high school, grades 9-12, will be implemented beginning with school year 2001-2002. These programs will include the following:
- a. **Prevention/instruction**
- (1) District programs shall be age-appropriate, developmentally based drug prevention and education programs for all students, and address Health Education Content and Performance Standards.
 - (2) Instructional programs related to alcohol, tobacco, and other drugs shall be research-based and life-skills oriented.
 - (3) Principals will continue to identify teachers of existing courses to teach required health instruction.

- (4) District prevention/instruction strategies related to alcohol, tobacco, and other drugs shall be included in all schools' site discipline plans.
- (5) The district shall develop and/or provide culturally appropriate prevention/instruction programs to reach parents. To the extent possible, the information should be in the languages of the parents.

b. **Intervention.** The district shall:

- (1) Provide an early identification and referral system on each campus for students involved in high-risk behaviors.
- (2) Provide Intervention Services Programs--Intervention-based, age-appropriate lessons (e.g., Insights Curriculum, Sober Support, Smoking Cessation, Refusal Skills, Intervention Support Groups).
- (3) Develop a community-based intervention program that involves students, families, law enforcement, and community groups.

c. **Support.** The district shall:

- (1) Provide support group(s) for self-referred and recovering students on each secondary campus. Services shall be provided by the Health Services Outreach Assistant, Student Intervention Program, Student Support Services Department.
- (2) Provide a system for immediate referral of returning, recovering students to link them with counseling services and peer support groups within the school setting or the community.
- (3) Provide nonpunitive support for students who voluntarily seek help (self-referral) unless the student is under the influence of a controlled substance.
- (4) Develop links with off-campus support groups that can provide support services for recovering students.
- (5) Develop a support group for the family that includes education for parents about areas such as strategies for dealing with recovering students.

d. Graduated sanctions and enforcement

- (1) All discipline related to alcohol, tobacco, and other drugs will be consistent districtwide, grades K–12; all enforcement will be progressive and will apply to all incidents that occur on campus or at activities under the jurisdiction of the school.
- (2) The time period for assessing disciplinary steps will be based on the grade-level span of the school attended by the offending student—elementary, middle, junior high, or senior high. The student is not permitted to start at step one each year. Disciplinary steps must be publicized and reviewed with students and parents at the opening of each school year.
- (3) 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 not subject to disciplinary action unless they are under the influence of a prohibited substance.
- (4) Sanctions for the following offenses are defined in the Placement and Appeal Suspension Guidelines and shall **not** be calculated with those for Possession and/or Use:
 - (a) Drug Paraphernalia
 - (b) Tobacco Paraphernalia
 - (c) Substance in Lieu of Controlled/Prohibited Substances
- (5) Wearing clothing, jewelry, and personal items that advertise or promote alcohol, tobacco, or other drugs is prohibited.
- (6) **Discipline will be handled as follows** (see also “Graduated Sanctions and Interventions for Student Substance Abuse” [E.6., Attachment 2]):
 - (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 as a medical/health issue before putting the following steps in place.

- 1) **Parent contact** immediately upon verification of the offense by the School Police Services Department, Office of the Superintendent.
- 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) **One- to three-day suspension.** The suspension may be reduced or waived at the discretion of the principal if the parent/guardian and student agree to participate in a district Intervention Services Program--Intervention-based, age-appropriate lessons (e.g., Insights Curriculum, Sober Support, Smoking Cessation, Refusal Skills, Intervention Support groups).
- 4) **Parent and student signing of Substance Use Intervention Contract.** Violation of this contract will result in reinstatement of the suspension.
- 5) **Referral to site-based Health Services Outreach Assistance, Student Intervention Program.**
- 6) **Parent notification of availability of appropriate outside agency referral sources.** Student(s) and family will be informed that they are responsible for all costs incurred if they choose outside agency services.
- 7) **Loss of eligibility** to hold student office or to participate in interscholastic, cocurricular, or any other extracurricular activity for thirty (30) school days. Summer vacations or holiday breaks do not count towards the 30 school day loss of eligibility requirement. If the student is a senior, participation in senior activities shall be referenced to current graduation policy (“Responsible Citizenship Expectations for Participation in Twelfth Grade Graduation Ceremonies”) and consistently enforced at all sites.
- 8) **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) **Parent contact** immediately upon verification of the offense by the School Police Services Department.
 - 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) **Three- to-five-day suspension.** The suspension may be reduced or waived at the discretion of the principal 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 Sober Support services provided by the Health Services Outreach Assistant, Student Intervention Program, Student Support Services Department. Student and family will be informed that they are responsible for all costs incurred if they choose outside agency services and, in addition, provide the district with proof of attendance.
 - 4) **Parent and student signing of Substance Use Intervention Contract.** Violation of this contract will result in a reinstatement of the suspension.
 - 5) **Loss of eligibility** to hold student office or to participate in interscholastic, cocurricular or any other extracurricular activity for ninety (90) school days. Summer vacations or holiday breaks do not count towards the ninety (90) school day loss of eligibility requirement. If the student is a senior, a second offense will preclude that student from participating in promotional activities or other senior activities as determined by the site principal, referenced in current graduation policy (“Responsible Citizenship Expectations for Participation in

Twelfth Grade Graduation Ceremonies”) and consistently enforced at all sites.

(c) **Possession and/or Use—third offense.** All of the following steps are to be implemented:

- 1) **Parent contact** immediately upon verification of the offense by the School Police Services Department.
- 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) **Five-day suspension with recommendation for expulsion** (expulsion will not be recommended for a third tobacco offense). The Board of Education may suspend the expulsion if the student agrees to attend a district-approved substance abuse program (public or private), is enrolled in a long-term drug program supervised by the court, or is in a private program approved by the district. Refusal to enroll in or complete such a program will result in an alternative placement. The student may not participate in any cocurricular, extracurricular activities or any interscholastic athletics for one complete calendar year from the date of the incident. If the student is a senior, a third offense will require the student to forfeit all senior activities.

Note: Suspension sanctions for tobacco/nicotine offenses are calculated separately from other controlled substances. Student shall receive a three-day suspension, and expulsion will not be recommended for a third tobacco offense.

(d) **Possession and/or Use—fourth offense.** All of the following steps are to be implemented:

- 1) **Parent contact** immediately upon verification of the offense by the School Police Services Department.

- 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) **Five-day suspension with recommendation for expulsion** (includes tobacco offenses). *Suspension of expulsion will not be recommended at the board level.*
- (e) **Furnishing or Selling—first offense.** All of the following steps are to be implemented:
- 1) **Parent contact** immediately upon verification of the offense by the School Police Services Department.
 - 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) **Five-day suspension and recommendation for expulsion** (for tobacco offenses, refer to possession and/or use). If a student is a senior, participation in graduation will be denied for any zero tolerance offenses. Furnishing or selling includes substances represented as prohibited substances even if they are later found not to be. Expulsion will not be recommended for tobacco offenses. If approved by the Board of Education, expulsion may be suspended if the student enters and completes a district educational substance abuse program or a private educational substance abuse program that receives the approval of the district. Student and family will be informed that they are responsible for all costs incurred if they choose an outside, private educational substance abuse program. Refusal to enroll in or complete such a program will result in notification of juvenile court authorities, child protective services, or other appropriate agencies and reinstatement of the original expulsion order.

- 4) **Determination of reinstatement to the comprehensive site.**
Reinstatement will be determined upon receipt of written evidence that the treatment has been completed and is at the discretion of the principal of the site where the offense occurred. Upon proof of successful completion of an approved substance program, the principal of the site where the offense occurred will determine whether the student will be reinstated at that campus, will remain in the educational substance abuse program for the balance of the semester, or will be placed at another comprehensive site.

D. IMPLEMENTATION

1. **Teacher or other staff member** shall immediately notify appropriate site administrator of any suspected possession, use, provision, or sale of alcohol, tobacco or other drugs on school site or at any activity or location under jurisdiction of school.
2. **Principal or designee** follows steps outlined in C.4.d. and ensures that site's substance abuse prevention plan is included in site discipline plan and that the plan or a summary is distributed annually to parents and students before beginning of school year.
3. **Parents** review any and all materials sent home related to alcohol, tobacco, and other drugs, sign and return, when requested, an agreement to abide by all school and district regulations related to substance abuse. Parents are further encouraged to participate in substance abuse education workshops available at school.
4. **Counseling and Guidance Director or designee** shall preside at all hearings on expulsions related to substance abuse.
5. **Superintendent** shall enforce, monitor, and evaluate district programs and procedures related to alcohol, tobacco, and other drugs.
6. **Board of Education** adopts policy and approves implementation of programs related to alcohol, tobacco, and other drugs.

E. FORMS AND AUXILIARY REFERENCES

1. Report on Suspension, Stock Item 22-R-2220; Spanish version, Item 22-R-2222
2. Substance Use Intervention Contract, Stock Item 22-A-4500, Attachment 1

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EFFECTIVE: **4-01-97**

REVISED: **7-13-2001**

3. Facts for Parents, Stock Item 41-M-0700, published annually
4. Informacion Para Padres, Stock Item 41-M-0701, published annually
5. Revision and Update of Suspension Guidelines, Information Circular #585, School Services Division #32, January 18, 1996
6. Graduated Sanctions and Interventions for Student Drug Abuse, available from the Student Support Services Department, Attachment 2

F. REPORTS AND RECORDS

1. Schools immediately process "Report on Suspension" and "Substance Use Intervention Contract" forms; send copy to parent/guardian; enter data on SIS Discipline History Screen.
2. Short-term suspension records and information shall be maintained by each school.
3. Notation of suspension is *not* retained on student's permanent record.

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education