



ADMINISTRATIVE DIRECTIVE

4.30.022-AD

Alcohol, Other Drugs, & Tobacco

I. Introduction

- A. Drug- or alcohol-impaired learning, and the use, possession, or sale of alcohol, drugs, and tobacco are not tolerated on any district property or at any school activity by students, staff, or other persons. This protects present and future students, parents/guardians, and the community from the casualties and consequences of drug-related activity and tobacco use.
- B. This directive establishes the rules, consequences, and interventions for student drug-related activity. The District's goal is to intervene, educate, and counsel students and their parents/guardians at the earliest signs of a serious problem. It also provides guidance on the collection of tobacco products.

II. Definitions

- A. Drug: includes all mood-altering substances or facsimiles thereof, which have not been medically prescribed for the student, including alcohol.
- B. Drug-impaired learning: the degradation of student learning, participation, or behavior which is caused by the presence of drugs or alcohol or their residuals in the body.
- C. Drug-related activity: includes but is not limited to use, transfer, sale, or possession of drugs, including alcohol, or drug paraphernalia, drug-impaired learning, drug-influenced behavior, and any act assisting or promoting such activity. It does not include tobacco-related activity.
 - 1. Assisting or promoting includes being where drugs, including alcohol, are being used, transferred, sold or possessed or engaging in any conduct that aids or facilitates drug-related activity.
- D. Tobacco: includes, but is not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, or any smoking product or spit tobacco product such as smokeless tobacco, dip, chew or snuff, or any nicotine delivery system in any form.

III. Procedures

- A. Families are to be kept informed and involved in measures to intervene in student involvement with drugs and tobacco.
- B. When a student's conduct may involve drug-related activity, the principal or designee shall:
 - 1. Ensure there is a thorough investigation.

2. Conduct an informal meeting with the student to inform the student of the suspected drug-related activity in language the student can understand and give the student the opportunity to explain his/her side of the story.
- C. If the principal or designee determines that the student has violated the District's standards of conduct against drug-related activity, the principal or designee:
1. Shall make a good faith effort to notify the parent/guardian and/or advocate by phone and shall also notify the parent/guardian in writing in the student's home language of the violation.
 2. Shall not suspend the student unless:
 - a) The student is under the influence, in which case the student shall be suspended for the rest of the day. Personal contact with a parent/guardian must be made before the student may be sent home.
 - b) The suspected misconduct is drug transfer or sale and the school has no space or staff to serve the student separately from other students
 3. Shall notify law enforcement if the evidence indicates the law has been violated.
 4. Shall proceed with arranging a hearing on the suspected misconduct.
 - a) The parent/guardian shall be notified in their home language by phone and/or in writing and invited to attend the hearing.
- D. A Level A violation hearing shall be conducted by the principal or his/her designee. In all other respects, the school level notice, hearing, and decision requirements of this directive shall be the same notice, hearing, and decision requirements for an expulsion as outlined in 4.30.021-AD. The decision of the hearing officer may be appealed using the procedures for an expulsion appeal in 4.30.021-AD.
- E. If it is determined that a student has been involved in a drug-related activity, the hearing officer shall without exception impose the requirements only as outlined in Section IV below.
1. Families shall be informed at the hearing of their option to present an alternative plan (*see Section IV.F.*) within two days of the hearing and district staff shall assist the family and/or their advocate in identifying community-based resources (*see Section IV.G.*).

IV. Requirements for Drug-Related Activity Violations

- A. Level A: First Violation within three years, except sale or transfer:
1. The student shall attend with a parent/guardian the six hour Insight Class.
 2. The student is barred from performing, competing and/or representing the school in school-sponsored competitions, games, performances, dances, and other similar activities which are either after school, off campus or intramural for a period of 28 consecutive calendar days starting with the day after the hearing.
 - a) If an event or activity is academic in nature and required for a student to obtain a grade, and a suitable alternative is not available, the administrator may permit the student to participate.
 3. The student is also barred from attending school-sponsored competitions, games, performances, dances, and other similar activities which are either after school, off campus or intramural for a period of 28 consecutive calendar days starting with the day after the hearing. An athlete, performer, and/or participant on a team, club, and school organization may have additional requirements for attendance and practice but may not dress down, compete, or serve as a representative of the school for the duration of the 28-day period.
 4. At the principal or designee's discretion, the student may be suspended in-school or out of school for up to five days and/or be required to perform up to eight hours of approved community service.
 5. A student who does not make satisfactory progress toward completing Level A requirements within four weeks of the hearing date shall be expelled. Satisfactory progress is defined as having completed the community service requirement, if any, and having no unexcused absences from the Insight Class.
 - a) The expulsion may be delayed if the student is accepted into a school-approved alternative program or treatment service, which addresses the student's alcohol and other drug issues.
 - b) If the alternative program or treatment service is successfully completed, the expulsion will not go into effect.
- B. Level B: First Violation within three years for the transfer or sale or assisting in the transfer or sale of drugs or Second Violation within three years if the first was not for transfer or sale:
1. The student shall be expelled and provided an education at a non-District alternative school, or

2. The expulsion may be delayed if the student is accepted into a school-approved alternative program or treatment service which addresses the student's alcohol and other drug issues. If the alternative program or treatment service is successfully completed, the expulsion will not go into effect.
- C. Level C: Second Violation within three years if the first was for transfer or sale or Third Violation within three years of the last drug-related offense:
1. The student shall be expelled and provided an education at a non-District alternative school.
 2. The student/parent/guardian shall authorize the therapy program to provide information to the school on the student's progress and urinalysis results.
- D. Commencement Disqualification. Requiring that seniors be disqualified from participation in commencement exercises and related activities if with 60 consecutive calendar days of the last senior school day they are found to be in violation of District Alcohol or Drug policy or any violation resulting in three or more days of suspension or more serious disciplinary action.
- E. Exclusion from activities. Students who are under a delayed expulsion are excluded from all other District schools and District activities. Except in cases where school participation is part of an approved intervention plan, students who are expelled are excluded from all District schools and District activities.
- F. Returning to a District school. Re-entry to a District school at the end of an expulsion for a drug-related activity shall be conditioned on:
1. For students who do not successfully complete Level A or Level B requirements, the student's participation in an approved therapy program (not at district expense) and/or agreement to a plan approved by the school administrator in collaboration with the parent/guardian to protect the student and school from future drug-related activity.
 2. For Level C, the student's satisfactory completion of an approved therapy program (not at district expense), which includes urinalysis (not at district expense).
- G. Alternative Plan. The family may elect to propose an alternative plan within two days of the hearing. In order for an alternative plan to be substituted for the prescribed mandatory requirements it must have the approval of the principal and the district staff responsible for supervising the school the student attends or designee in consultation with the central office responsible for student discipline. The alternative plan shall:

1. Be therapeutically sound and more effective than the prescribed action;
 2. Insulate the school from drug-related activities to the same extent or more than the prescribed action;
 3. Include the 28 day restriction if a Level A violation (*see Section IV.A.*) and a restriction for not less than 28 days if a Level B or C violation (*see Section IV.B.-C.*);
 4. Include authorization to receive information and regular reports on student progress; and
 5. Contain conditions for and place of re-enrollment upon successful completion, actions to be taken if not successfully completed, and monitoring criteria and time frames and deadlines.
- H. Assisting families. District staff shall assist families in identifying community-based resources for alcohol and other drug related services.
- I. Failure to complete procedures. If the student and/or parent/guardian does not complete procedures in IV.A. above, or the student is found to have a second or third involvement in drug-related activity in three years, then, subject to federal confidentiality rules, the school may petition the Juvenile Court to take jurisdiction of the child as a person who is a danger to himself/herself or the community because of his/her involvement with drugs.

V. Confidentiality

- A. A student who, for the purpose of obtaining help, discloses alcohol/drug behavior which is prohibited under this directive shall not be subject to disciplinary action for the behavior which is disclosed. It is not considered self-disclosure when a student admits alcohol/drug use and/or requests assistance for alcohol/drug abuse in the course of an investigation of possible misconduct.
- B. This subsection does not modify the limited confidentiality of the student/counselor relationship.

VI. Other Related Provisions

- A. District staff shall immediately report non-students who are found on or around any district property engaging in possibly unlawful activity involving drugs or alcohol to the Portland School Police for arrest and prosecution.
- B. Students with disabilities shall be disciplined in accordance with applicable provisions of 4.30.025-AD and other district procedures as required by state and federal law.

VII. Collection of Tobacco Products

- A. District staff shall collect tobacco products possessed on school premises or at school activities by students. When the tobacco products are so collected, the student should be informed that they will be destroyed if not picked up by a parent/guardian within three school days. Emancipated students 18 years and over may pick up the tobacco products after school hours within three days.

Policy Implemented: 4.30.010-P; 3.30.020-P; 3.30.021-P

History: Adpt. 6/71; Amd. 8/73; Amd. 3/80; Amd. 8/83; Amd. 10/90; Amd. 3/91; Amd. 9/25/91 ed.; Amd. 10/01/91; Amd. 3/09/92; Amd. 5/10/92; Amd. 5/15/92; Amd. 2/09/95; Amd. 6/05/98; Amd. 9/01/02; Amd. 6/18/04 Amd. 2/10

Legal references: ORS 163.575; ORS 167.400; ORS 339.240; ORS 339.250; ORS 339.883; ORS Chapter 475; OAR 581-021-0050 to -0055; OAR 581-021-0065 to -0071; OAR 581-021-0110; 42 CFR, Chapter 1, Subchapter A. Confidentiality of Alcohol and Drug Abuse Patient Records; Safe and Drug Free Schools and Communities Act