

	ADMINISTRATIVE DIRECTIVE Healthy, Substance Free Learning Environments	4.30.022-AD
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I. Introduction

The Portland Public Schools Board of Education and the staff of the district support safe, healthy, and substance-free learning environments for students which are free of the detrimental effects of substances (drugs, alcohol, tobacco, and other substances). Accomplishing this goal requires a cooperative effort among District and school staff, students, parents/guardians, and organizations focused on supporting youth who are facing substance use and mental health challenges.

This directive establishes the expectations, interventions, and consequences for student substance use-related activity. The District believes that activities supporting student engagement in education are a protective factor and should be included in prevention strategies. The District’s goal is to intervene, educate, and counsel students and their parents/guardians at the earliest signs of a problem. It also guides the collection of tobacco products.

The District must provide substance use prevention education in compliance with Oregon Department of Education Chapter 581, Division 22.

II. Philosophy Statement

Substance use impairs learning and can negatively impact life outcomes; therefore, 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.

Portland Public Schools acknowledges that communities of Color, specifically Black and Indigenous students, have been unduly penalized and harmed by school discipline practices and the criminal justice system, and have also been systemically underserved by substance use treatment programs. To this end, we strive for culturally responsive processes and supports that focus on intervention and treatment, not discipline, particularly exclusionary disciplinary processes.

It is critical that administrators and other school staff understand implicit bias and the role that it may play when determining responsibility, consequences, and discipline. The district will provide professional development and support on understanding implicit biases and increasing awareness and skills with addressing substance use issues, as well as ongoing training and policies that require all administrators to understand systemic racism when implementing disciplinary

processes. The foundation of equitable discipline practices is building relationships where students feel seen, valued, and heard.

As most treatment programs for individuals with substance use concerns have been designed for and validated with homogenous, predominantly white populations, our vision is to have a system of restorative support that includes culturally specific providers when possible. We will strive to meet the needs of all students and school communities facing substance use and mental health challenges. The District's goal is to enable all PPS students to access services and resources that support healing while also advancing their education with the goal of developing citizens who are thriving and succeeding.

Self-disclosure and relapse are considered parts of the treatment and recovery process. To provide the optimum level of support to all of our students, there are several important exemptions to the disciplinary process for substance use.

Under the supervision of the Superintendent, the Office of Student Support Services is responsible for developing appropriate administrative procedures, curricula, and programs to implement the Healthy Substance Free Learning Environments Board Policy and Administrative Directive. These services include substance use interventions and supports provided by district staff in collaboration with school staff, community partners, informational and therapeutic groups for students and families, and consultation and support to staff when addressing substance use issues.

III. Definitions

Alternative Plan: This is a collaborative agreement between a student, their family, and the school support team which is designed to assess and respond to the individual needs of the student while addressing the discipline violation. The goal is to have the alternative plan submitted within one calendar week of the meeting or hearing, though extensions on this timeline may be granted by the administrator. An alternative plan is a student-focused, school-supported, intervention-oriented program which is designed to assess and respond to a student's individual needs while maintaining school safety and preventing ongoing substance-related activity. In order for an alternative plan to be substituted for the prescribed mandatory requirements, it must have the approval of the building administrator and of the district staff responsible for supervising the school, or their designee.

Appeal: For a level A or B finding, student or family, may submit a written appeal of the decision to the school's District Staff responsible for supervising the school within five working days of the building administrator's decision. The District Staff responsible for supervising the school will review the record and provide a written response within three working days. The District Staff responsible for supervising the school's decision is final.

For a level C finding, the student or family may submit a written appeal in accordance with an expulsion hearing finding as defined in the Conduct and Discipline Administrative Directive 4.30.022-AD.

Bias/Implicit Bias: This is a tendency to process information based on unconscious

associations and feelings, even when these are contrary to one's conscious or declared beliefs. For example, the tendency to believe that a student is more likely to be under the influence of a substance because of their race.

Distribution: The action of advertising, offering to sell, selling, furnishing, bartering, or exchanging of substance(s), or facilitating the exchange of substances to receive monetary gain, social gain, goods, and/or products, etc. Includes students found in possession of a sizable quantity of a substance(s) or paraphernalia that would be considered too large for personal use. These actions apply to PPS Schools, events, or programs, including the Nexus of Discipline.

Hearing: A hearing is a formal meeting between the administrator and the parents. Hearings will only occur for Level B violations and above. In Level B, schools will utilize hearings, and the district will provide a hearings officer. With the consent of those present, hearings are recorded.

Inhalant Delivery System (i.e. Juul, e-cigarette, vaping device): This is a device, whether or not such a device is shaped like a cigarette, that can provide inhaled doses of substances by delivering a vaporized solution by means of cartridges or other chemical delivery systems.

Level A Substance Use Violation: This is the designation for a first and second violation for possession or use of a substance, including possession of paraphernalia, within 3 years.

This is also the designation for a first violation for intent to transfer within 3 years.

Level B Substance Use Violation: This is the designation for a first violation within 3 years for intent to distribute or distribution.

Second Violation of Transfer or Intent to Transfer.

Third and Fourth violation within 3 years for possession, use, or possession of paraphernalia or transfer.

Level C: These are designations for subsequent violations after receiving a Level B., Including 5th use or possession without engaging in substance use services and/or a second distribution violation

Manifestation Determination: This is a procedure conducted by a student's IEP or 504 team to determine whether the behavior leading to possible disciplinary action was: Directly caused by the student's eligible disability and/or was caused by the school's failure to fully implement the IEP or 504 plan. A manifestation will only be considered if the student has had ten days of suspension due to substance-related concerns or the discipline hearing may result in an expulsion.

Meeting: During the Level A violation meeting, schools will utilize a disciplinary meeting and these will be facilitated by a school administrator. The goal of a Level A meeting is to determine whether the student violated the Healthy Substance Free Learning Environments Policy and connect students with the appropriate intervention, i.e., Insight, school-based services, and provider referral.

Nicotine: A substance that includes, but is not limited to, any lighted or

unlighted cigarette, cigar, pipe, inhalant delivery system/e-cigarette/vaping device or any smoking product or other tobacco products such as smokeless tobacco, dip, chew or snuff, or any nicotine delivery system in any form.

Paraphernalia: Any equipment, product, or accessory that is intended or modified for making, using, or concealing a substance. Examples of paraphernalia include, but are not limited to: pipes, needles, juuls and other Inhalant Delivery Systems, miniature spoons, roach clips, chillums, and cigarette papers, among others.

Selling: This is the act of sharing a substance among a number of recipients in exchange for something of value. (Note: administrators should contact a district discipline coordinator before contacting law enforcement.)

Substance: This includes all mood-altering materials or facsimiles thereof, including alcohol or medications that have not been prescribed for the student or are being used in a manner inconsistent with a prescription.

Substance-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.

Substance-related activity: Actions that include but are not limited to the use, distribution, sale, or possession of substances, including drugs, alcohol, or drug paraphernalia; substance-impaired learning, substance-influenced behavior; and any act assisting such activity. (Note: administrators should contact a district discipline coordinator before contacting law enforcement.)

Transfer: sharing a substance with another student in a social setting or context, generally unplanned; examples include sharing a vape pen in the bathroom, giving alcohol to another student at a game or event, etc.

Thorough Investigation: A fair, prompt, impartial, and thorough exploration of the facts to determine whether a violation of student discipline policy is more than likely than not to have occurred (preponderance of evidence or more than 50%).

IV. Procedures:

To the degree possible, families are to be kept informed and involved during each step of the process.

Exemptions:

1. A student who, for the purpose of obtaining help, discloses substance use behavior that is prohibited under this directive shall NOT be subject to disciplinary action for the behavior which is disclosed. Students who self-disclose will not be suspended from school. Staff will find a safe, supervised location within the building for the student to remain or allow a parent to pick up the student if they are currently under the influence. This will be considered an absence, not a suspension. In the event the student appears to be significantly impacted and presents a risk of harm to themselves, staff should contact 911 as well as the parent/guardian.
 - a. Note: It is not considered self-disclosure when a student admits substance

use and/or requests assistance for substance abuse during the course of an investigation into substance use/possession.

2. Students who are victims of assault are exempt from the disciplinary process in the case of a Title IX/sexual assault situation where substance abuse is disclosed while investigating the potential assault. Staff, in conjunction with Student Success and Health, will work with the student and

Limiting Bias:

Before any search, administrators shall ask the following in determining whether reasonable suspicion exists:

1. Is the observable basis of your reasonable suspicion displayed by other students, including white students?
2. Is the observable basis of your reasonable suspicion a stereotype that affirms a culturally racist narrative?
3. Is the observable basis of your reasonable suspicion independent of normative behaviors that reinforce disparate treatment based on race, such as assuming a student with bloodshot eyes is under the influence?

Administrators shall attempt to eliminate bias when determining if they have reasonable suspicion. One way to eliminate bias is through consistently making decisions with the PPS Racial Equity and Social Framework.

(<https://www.pps.net/Page/95>)

Investigation:

When a student's conduct may involve substance use activity, the building administrator or designee shall:

1. Ensure there is a thorough investigation.
2. Conduct an informal meeting with the student to notify the student of the suspected substance use-related activity in language the student can understand and allow the student to explain their perspective of the incident.

If the building administrator or designee determines that the student has violated the District's standards of conduct against substance use-related activity, the building administrator or designee:

1. Shall make a good faith effort to notify the parent/guardian and/or family designated advocate by phone and shall also notify the parent/guardian of the violation in writing in the student's home language.

Possible reasons for suspension:

The student can be suspended in if:

1. The student is under the influence of a substance, in which case the student shall be suspended for the rest of the day. Direct contact with a parent/guardian must be made before the student may be sent home.
2. The suspected misconduct is direct controlled substance transfer or sale, and the school has no space or staff to serve the student separately from other

students.

- The student is discovered to possess a prohibited substance or related paraphernalia, regardless of whether or not they are currently under the influence.

In the case of the sale and transfer of substances, School Administrators shall consult with a Student Conduct Coordinator and their District Staff responsible for supervising the school before the involvement of law enforcement.

Substance Use Violation Level		Disciplinary Action and Staff Responsible for Conducting Meeting/Hearing		Possible Interventions
LEVEL A	First Use	<ul style="list-style-type: none"> Rest of Day Suspension Level A meeting 	Admin	<ul style="list-style-type: none"> Insight Alt Plan
	First Possession	<ul style="list-style-type: none"> Rest of Day Suspension Level A Meeting 	Admin	<ul style="list-style-type: none"> Insight Alt Plan
	First Transfer	<ul style="list-style-type: none"> Rest of Day Suspension Level A Meeting 	Admin	<ul style="list-style-type: none"> Insight Alt Plan
	Second Use or Possession	<ul style="list-style-type: none"> Rest of the Day and up to one additional Second Level A Meeting 	Admin	<ul style="list-style-type: none"> Insight Alt Plan
LEVEL B	First Distribution	<ul style="list-style-type: none"> Length of suspension is up to the school team but must be under 10 days (must consult with SS&H and MTSS) Discipline Hearing 	Hearing Officer	<ul style="list-style-type: none"> Delayed Expulsion Expulsion SSC Alt Plan SSC W/Alt Plan
	Second Transfer	<ul style="list-style-type: none"> Rest of the Day and up to one additional day of Suspension and a Discipline Hearing 	Hearing Officer	<ul style="list-style-type: none"> Delayed Expulsion SSC Alt Plan SSC W/Alt Plan
	Third/Fourth Use or Possession	<ul style="list-style-type: none"> Rest of the Day and up to one additional day of Suspension Discipline Hearing <p>*Could include meeting with CADDC</p>	Hearing Officer	<ul style="list-style-type: none"> Delayed Expulsion, SSC Alt Plan SSC W/Alt Plan
LEVEL C	Second Distribution	<ul style="list-style-type: none"> The length of suspension is up to the school team must be 	Hearing Officer	Expulsion

		under 10 days(must consult with SS&H and Student Conduct) <ul style="list-style-type: none"> ● Discipline Hearing 		
	Third Transfer	<ul style="list-style-type: none"> ● The length of suspension is up to the school team must be under 10 days(must consult with SS&H and Student Conduct) ● Discipline Hearing 	Hearing Officer	Expulsion
	5th Use or Possession	<ul style="list-style-type: none"> ● The length of suspension up to the school team must be under 10 days (must consult with SS&H and MTSS) ● Discipline Hearing 	Hearing Officer	Expulsion

Level A Violations:

1. For students with disabilities, there is no manifestation determination necessary for Level A. Level A violations do not lead to exclusion. Therefore there is no need for a manifestation determination.
2. Level A violations will result in a meeting with the school administrator to determine the next steps. The building administrator or their designee will contact the student’s parents or guardians within two school days of the suspected violation to schedule the meeting. It is recommended that the meeting be conducted within five school days, absent extenuating circumstances. If desired, family/student may include an advocate or other support person in these processes.

The purpose of the meeting is to determine whether the student has violated the PPS substance use policy and to either refer the student to the District’s Insight Class (6 hours of psychoeducation) or develop an Alternative Plan.

1. District staff shall assist families in identifying community-based resources for substance use counseling and/or support. Onsite services can be accessed when available.
3. The administrator, with input from the student, the student’s family, and other staff, if appropriate, shall develop the disciplinary intervention which will include attendance of the six-hour Insight Class over the course of four weeks with a parent/guardian or responsible adult OR compliance with an alternative plan developed by the school and the family.
 1. The plan should include bag checks, closed campus, check in / check out, and other measures meant to support the student during the school

day.

2. The plan will include a timeline for review to determine the student's success on the plan and whether the support can be withdrawn or whether any changes need to be made.

3. The team should also consider including key people at the school who will be responsible for checking in with the student and monitoring the plan.

4. The student is excluded from attending all school-sponsored competitions, games, performances, dances, and other similar activities which are either after school or off campus for a period of 14 consecutive calendar days starting the day of the hearing.

The student is excluded from performing, competing and/or representing the school in school-sponsored competitions, games, performances, dances, and other similar activities which are either after school or off campus for a period of 14 consecutive calendar days, starting on the day of the violation. With the intention of bolstering healthy habits, students are encouraged to attend regular practices and rehearsals.

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.

An athlete, performer, and/or participant on a team, club, and school organization may have additional requirements for attendance and practice. They are expected to attend practice/rehearsal and may attend the event with their team/group/club but may not dress down, compete, or serve as a school representative for the duration of the 14-day period.

5. A student who does not make satisfactory progress toward completing Level A requirements within four weeks of the meeting date shall have a subsequent meeting. Lack of engagement and completion can result in a Level A becoming a Level B. Satisfactory progress is defined as having taken discrete steps towards completing the assigned intervention plan in accordance with the agreed-upon timeline.

Level B Violations:

1. Level B violations do not lead to Expulsion. Therefore there is no need for a manifestation determination.

2. There is the option for any family to present an alternative plan within one calendar week of the date of the meeting or hearing. District staff shall assist the family and/or their advocate in identifying community-based resources to build an alternative plan, or

3. The expulsion may be delayed and will not go into effect if the student does one of the following:

Completes the Student Success Center and complies with the re-engagement plan, or
Successfully completes the alternative plan.

4. Where expulsion is recommended, the student may be provided an education at a non-District alternative school. Reconnection Services will assist the student and family with the search for another school. After the conclusion of the expulsion period, the student may continue to Portland Public Schools or stay at the non-district alternative school.

5. The student is excluded from performing, competing and/or representing the school in school-sponsored competitions, games, performances, dances, and other similar activities which are either after school or off campus for a period of 28 consecutive calendar days starting on the day of 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.
 - b. An athlete, performer, and/or participant on a team, club, and school organization may have additional requirements for attendance and practice. They are expected to attend practice/rehearsal and may attend events with their team/group/club, but may not dress down, compete, or serve as a representative of the school for the duration of the 28-day period
 - c. Commencement Disqualification: Seniors will be disqualified from participation in commencement exercises and related activities if within 60 consecutive calendar days of the last senior school day they are found to be in violation of a disciplinary action resulting in three or more days of suspension or more serious disciplinary action.

Level C Violations: for students with disabilities, manifestation determinations may be necessary in accordance with the Discipline of Students with Disabilities AD (4.30.025-AD).

1. For students with an IEP, a manifestation determination must be conducted.
2. For students with a 504 Plan, there is no manifestation determination necessary for possession or use. However, it **is required** in instances of distribution.
3. District staff will make every effort to have a Substance Use Supports staff member present at the level C hearing.

The student, family, referring administrator, and hearings officer will review the alternative plan. In this meeting, final adjustments will be made to the plan, the timeline will be finalized, and the next steps will be identified if the plan is not followed.

VI. Other Related Provisions

District staff shall immediately report non-students who are found on or around any district property engaging in a possibly unlawful activity involving substances to law enforcement for arrest and prosecution.

VII. Collection of Paraphernalia and Contraband

Collection of paraphernalia and contraband will be pursuant to the Search and Seizure of Students and Student Property Administrative Directive, 4.30.041-AD.

Policy Implemented: 4.30.023-P; 3.30.020-P; 3.30.021-P

Replaces: 4.30.022-AD (Previously: Alcohol, Other Drugs and Tobacco)

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; Amd 1/2020; 8/2021; 8/2023

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; Div. 22 - OAR 5810222045

Other References: