

ALCOHOL & OTHER DRUG-RELATED ACTIVITY CONSEQUENCES AND PROCEDURES

Following are the alcohol and other drug-related activity procedures for Portland Public Schools, excerpted from the school district's Administrative Directive on Alcohol, Other Drugs and Tobacco. To view the Administrative Directive, go on online to:

http://www.pps.k12.or.us/files/board/4.30.022_ADAlcoholOtherDrugsTobacco_FINAL_7.10_1.pdf

Definitions

- Drug: includes all mood-altering substances, or facsimiles thereof, including alcohol, which have not been medically prescribed for the student. (Also see tobacco.)
- 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.
- 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. Assisting and 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.

Possession, selling, drug or alcohol-impaired learning, or use of alcohol, drugs or facsimiles is not tolerated in the schools, on school grounds, at school activities by students, staff or other persons. Additionally, this rule applies to students during school hours regardless of location.

Reference: [4.20.046-AD](#), [4.30.010-AD](#), [4.30.022-AD](#)

Athletics

Rules concerning alcohol/drug-related activity apply to District athletic program participants seven (7) days a week, 24 hours a day, for the entire season in which the student is participating, at any location.

Reference: [4.30.020-AD](#)

Initial Procedures when Suspected Violations Occur:

The District has a system of rules and consequences for drug-related activity which applies to students at all grade levels in all schools. Students receive services as consequences for drug-related activity. Families are to be kept informed and involved in measures to intervene in student involvement with alcohol and other drugs.

1. When a student's conduct may involve drug-related activity, the principal or designee shall:
 - Ensure there is a thorough investigation.
 - Conduct an informal meeting with the student to inform the student of the suspected drug-related activity in a language the student can understand, and give the student the opportunity to explain his/her side of the story.
2. 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:
 - 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.
 - Shall not suspend the student unless:
 - 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.
 - The suspected misconduct is drug transfer or sale and the school has no space or staff to serve the student separately from other students
 - Shall notify law enforcement if the evidence indicates the law has been violated.
 - Shall proceed with arranging a hearing on the suspected misconduct.
 - The parent/guardian shall be notified in their home language by phone and/or in writing and invited to attend the hearing.

Hearing Process

1. A Level A 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.
2. 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 below.
 - o Families shall be informed at the hearing of their option to present an alternative plan (see *Section below*) within two days of the hearing and district staff shall assist the family and/or their advocate in identifying community-based resources
3. Failure to Attend Hearing
 - o Reasonable effort will be made to ensure a parent's/guardian's attendance at the hearing. If the parent/guardian and student or their representative fails to attend the hearing, the hearing officer holds the hearing, writes the decision, and sends a copy to the parent/guardian and the student.
4. At the hearing, the parent/guardian and student may have a lawyer or advocate present evidence, bring witnesses, ask questions of witnesses, and explain their side. The hearing officer must consider all evidence.

5. Mandatory Consequences

If it is determined that a student violated the rules, the hearing officer imposes the following requirements. (See end of this section for provisions which apply to students with disabilities.)

a. Level A: First violation, except sale or transfer:

- The student shall attend with a parent/guardian the six-hour Insight Class.
- The student is barred from performing, competing and/or representing the school in school-sponsored competition, 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.
 - o If the 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.
- The student is also barred from attending school-sponsored activities, 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.
 - o An athlete, performer and/or participant on a team, club, and school organization may have additional requirements for attendance at events and practice, but not dress down, and not compete.
 - o The student may be required to attend practices, meetings, etc. with the team or organization but not serve as a representative of the school for the duration of the 28-day period.
 - o At the administrator's discretion, the student may be suspended for up to five (5) days and/or be required to perform up to eight (8) hours of approved community service.
- A student who does not make **satisfactory progress** toward completing Level A requirements within four weeks of the hearing date shall be expelled. 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. During this time the student is excluded from all other District schools and School District activities. If the alternative program or treatment service is successfully completed, the expulsion will not go into effect. Satisfactory progress is defined as having completed the community service requirement, if any, and having no unexcused absences from the Insight Class.

b. Level B: First violation within three years for transfer or sale or assisting in transfer or sale of drugs or Second violation within three years if the first was not transfer or sale:

- The student shall be expelled and, in addition, provided an education at a non-District alternative school, or
- 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.

- To be readmitted to the referring school or another District school, the student shall have participated in an approved therapy program (not at district expense) and/or agree to a plan approved by the principal or designee to protect the student and school from further drug-related activity.
 - 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:
 - The student shall be expelled and, in addition, provided an education at a non-District alternative school. The student is excluded from all District schools and School District activities.
 - Re-entry to a District school shall be conditioned upon the student's satisfactory completion of an approved therapy program (not at District expense), which includes urinalysis (not at District expense).
 - The student/parent/guardian shall authorize the program to provide information to the school on the student's progress and urinalysis results.
6. Assisting Families
District staff shall assist families in identifying community-based resources for alcohol and other drug related services.
7. 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 consequences" it must have the approval of the principal or designee and the Student Conduct Office. For Level A alternative plans, satisfactory progress must be shown within four weeks from the date of the hearing. Hearing officer or designee will determine the criteria for satisfactory progress. The alternative plan must meet these requirements:
- the plan is therapeutically sound and more effective than the prescribed action
 - it insulate the school from drug-related activities to the same extent or more than the prescribed action,
 - include the 28-day restriction if a Level A violation and the restriction for not less than 28-days if a Level B or Level C violation
 - Include authorization to receive information and regular reports on student progress,
 - contain conditions of and place for re-enrollment when student completes the plan,
 - contain action to be taken if student does not successfully complete the plan, and
 - contain criteria and time frames for determining if and when student completes or has abandoned the plan.
8. Appeal
A student or parent/guardian may contest a Level A decision first by requesting a conference with the principal if the principal did not make the initial decision, and then by requesting a review by the district staff responsible for supervising the school the student attends. This is the final level of review for Level A. Level B and Level C decisions of the hearing officer may be appealed using the procedures for an expulsion appeal in 4.30.021-AD.
9. Failure to Comply
Students who do not make satisfactory progress toward completing Level A requirements within four weeks of the hearing date are eligible for expulsion. Satisfactory progress is defined as having completed the community service requirement, if any, and having no unexcused absences from the Insight Class.
- An expulsion hearing will take place at the time the student becomes non-compliant to determine the extent of progress made toward completing all of the prescribed Level A sanctions. The expulsion hearing is to determine progress toward completing Level A sanctions, NOT to reopen the original Level A hearing. (For students not enrolled in school, the expulsion hearing shall be convened in their absence.) If the student is in Special Education, a manifestation determination shall take place and all Special Education IDEA regulations followed. For more information, contact your Special Education Coordinator.
 - If it is determined that the student has not made satisfactory progress toward completing Level A requirements, the expulsion or other appropriate intervention shall go into effect. 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 drugs issues. During this time the student is excluded from all other District schools and School District activities. If the alternative program or treatment service is successfully completed, the expulsion will not go into effect.

- The District may also report the student to Juvenile Court, subject to Federal confidentiality rules, for failure to follow through with disciplinary requirements at Level A, Level B, and Level C.

10. Voluntary Disclosure

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.

This subsection does not modify the limited confidentiality of the student/counselor relationship.

11. Confidentiality

All information regarding student drug or alcohol treatment is confidential.

12. Students with Disabilities

A hearing is held to determine whether a violation occurred and whether the violation qualifies as action Level A, Level B, or Level C. Once it is determined that a Level B or Level C violation did occur or that a Level A student failed to make satisfactory progress within four weeks of the hearing, the matter is referred to the IEP Team or Section 504 Team to determine whether the behavior is related to the disability (manifestation determination). If there is a relationship between the behavior and the disability, the student cannot be expelled. The IEP or Section 504 Team will review the IEP or Section 504 Plan and placement and can change them if appropriate. It is through this process that interventions are documented and implemented to address the potential for any further violations.

- In a case involving a student with an IEP, if the behavior is not related to the disability as determined by the IEP Team, the student can be expelled or participate in other programs. In compliance with the law, under no circumstances can the District cease providing the education services set forth in the IEP.
- In a case involving a student with a Section 504 Plan, educational services do not have to be continued if the behavior is not related to the disability as determined by the Section 504 Team. The student may be disciplined like any regular education student. Reference: [4.30.010-P](#), [4.30.022-AD](#), [4.30.025-AD](#)

Student Witnesses

If information from a student witness is presented at the hearing, the identity of that student is not revealed if, in the judgment of the hearing's officer, it would adversely impact the student's school experience. If the identity of a student witness is not disclosed, the hearing officer shall carefully and thoroughly interview the witness, form a judgment as to the accuracy of the information, and ask any questions requested by the parent/guardian/representative of the student who is charged.

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.

Reference: [4.30.022-AD](#)