



PORTLAND PUBLIC SCHOOLS

Telephone:

Re:

At an informal hearing, it was established that
may have been involved in an alcohol/drug-related activity on

I know that it is a very serious matter for families to learn that their student may be involved in any kind of misconduct. We take your student's welfare very seriously. This letter and the attached documents provide more information on the hearings process and the possible consequences for this activity.

An alcohol/drug-related activity hearing will be held to consider your student's involvement in the following incidents:

- Possession of alcohol and/or other drugs
- Consumption of alcohol and/or other drugs
- Possession of drug paraphernalia
- Transfer or sale of alcohol and/or other drugs
- Assisting in transfer or sale of alcohol and/or other drugs
- Alcohol and/or other drug-related violation

The hearing is scheduled for _____ at _____

It is very important that you and your child attend this hearing. Please check in at the school office. Office staff will direct you to the hearing. If you are unable to meet at this time, please call me at 503.916. immediately to reschedule the hearing. If you do not notify us that you need to reschedule and fail to appear at the hearing, the school may hold the hearing in your absence.

Please read and review the rights of parents and student outlined in the attached materials. This information is very important. If you are unable to read or understand it, please call 503.916.3427 to have someone explain it to you in a language you understand.

If information at the hearing establishes that your student was involved in the incidents, there will be disciplinary consequences that may include:

- suspension from all competition, games, performances;
- mandatory referral to Insight Class;
- suspension from school for up to 5 days;
- up to 8 hours of approved community service;
- placement in an approved alternative program or treatment service; or
- expulsion.

If results of the hearing determine that your student did violate the rules, you may then submit an alternative plan for disciplinary consequences other than those listed above. This alternative plan option gives families an opportunity to help the student and school determine other appropriate consequences for students. In order to be substituted for the disciplinary actions listed above, the plan must meet all the conditions outlined in the attached Drug & Alcohol Procedures. While the school administrator does not have to accept the alternative plan, we will consider any proposed plan seriously.

Again, the school takes the welfare of our students seriously, and we hope that this process will provide a learning opportunity for

If you have any questions, concerns or need additional information, please contact me at 503.916.

Sincerely,

c School File, School Supervisor, Student Services (FAX: 503.916.2244)

Attachment: Drug & Alcohol Procedures

ALCOHOL & OTHER DRUG-RELATED ACTIVITY

Definitions

1. Drug: includes all mood-altering substances, or facsimiles thereof, including alcohol, which have not been medically prescribed for the student. (Also see tobacco.)
2. 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.
3. Drug-related activity: includes but is not limited to use, transfer, sale or possession of drugs or drug paraphernalia, drug-impaired learning, drug-influenced behavior, and any act assisting or promoting such 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-P,4.30.010-P,4.30.022-AD

Athletics

Rules prohibiting participants in District athletic program from drug-related activity are in force during the entire season - seven (7) days a week, 24 hours a day, at any location.

Violations will result in the following actions:

When 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. They are not suspended prior to a hearing unless they are under the influence or charged with drug transfer and the school is unable to serve them separately from other students.

Procedures

1. Preliminary Hearing

A preliminary hearing with the student is held and the student is informed of the offense, student's explanation is considered, school may investigate further, and administrator determines if it is likely that student violated rules.

Students who are under the influence are excluded for the rest of the day. Additionally, students charged with drug transfer may be excluded prior to the hearing if the school has no space or staff to serve the student separately from other students.

2. Violation of State Law

Portland Police are notified if the law has been violated.

3. Parent/Guardian Notification

Parent/Guardian is sent a letter by regular mail and phoned. In the letter and phone call, the parent is advised of the offense or acts that occurred, a time within five (5) days for a parent/guardian/student hearing is arranged, and the parent is advised of the educational and disciplinary consequences.

If the parents/guardians are non-English speakers, all discipline communications will be in accordance with the district translation policy.

4. Failure to Attend Hearing

Reasonable effort will be made to ensure a parent's attendance at the hearing. If the parent/guardian and student or their representative fails to attend the hearing, the hearings officer holds the hearing, writes the decision, and sends a copy to the parent/guardian and the student.

5. Hearing

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 hearings officer must consider all evidence.

6. Finding

The hearings officer determines if the student violated the District's prohibitions against drug-related

activity and at the hearing, or later in the same day, advises the parent/guardian and student of the decision.

7. **Mandatory Consequences**

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

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

- * 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.
 - >. 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.
 - >. An athlete, performer and/or participant on a team, club, and school organization may be required to attend games or events with the team/club/organization. In such case, an athlete is expected to practice. They may also be required to attend games, remain with the team, not dress down, and not compete.
 - >. 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.
- * 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. First violation which is transfer or sale or assisting in transfer or sale: (Level B)

- * The student shall be expelled and, in addition, provided an education at a non-District alternative school.
- * 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 school administrator to protect the student and school from further drug-related activity.
- * 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.
- * In the case of a delayed expulsion, the student is excluded from all other District schools and District activities. If the alternative program or treatment service is successfully completed, the expulsion will not go into effect.

c. Second violation within three years if the first was not for transfer or sale: (Level B)

- * The student shall be expelled, and, in addition, provided an education at a non-District alternative school.
- * 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 school administrator to protect the student and school from further drug-

related activity.

- * 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 does not go into effect.
- d. For any second drug-related activity, if the first was for transfer or sale: (Level C)
- * 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.
- e. Third drug-related activity when the last finding of activity was within three years of the current drug-related activity: (Level C)
- * 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 a therapy program (not at District expense), which includes urinalysis (not at District expense).
 - * The parent/guardian shall authorize the program to provide information to the school on the student's progress and urinalysis results.

8. **Alternative Plan**

If it is determined that a student has violated alcohol/drug district regulations, an alternative plan may be proposed by the family 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 and the Student Conduct Office. For Level A alternative plans, satisfactory progress must be shown within four weeks from the date of the hearing. Hearings officer or designee will determine the criteria for satisfactory progress. The alternative plan must meet these requirements:

- * the Plan is therapeutically sound.
- * it insulates the school from drug-related activities to the same extent or more than the prescribed action,
- * it will be therapeutically more effective than the prescribed action,
- * the school shall be authorized to receive information and regular reports on student progress,
- * it contains conditions of and place for re-enrollment when student completes the plan,
- * it contains action to be taken if student does not successfully complete the plan, and
- * it contains criteria and time frames for determining if and when student completes or has abandoned the plan.

9. **Appeal**

If parent/guardian or student wishes to appeal the decision of the hearings officer, a request for appeal must be filed with the Area Director within five (5) days of the decision. Procedures for an appeal will be the same as those used in the expulsion appeal process.

10. **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.

11. Voluntary Disclosure

A student who tells of a violation to get help is not subject to discipline action. However, a voluntary plan for corrective action will be developed. It is not considered self-disclosure when a student admits alcohol/drug use to a staff person who has observed symptoms of use or when a student admits alcohol/drug use in the course of an investigation of a possible policy violation.

12. Confidentiality

All information regarding student drug or alcohol treatment is confidential.

13. Student 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

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 hearings 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.

Reference: 4.30.010-P, AD 4.30.022-AD

Commencement Disqualification

Seniors may be disqualified from participation in commencement exercises and related activities if within sixty (60) days of the last senior school day if they are found to be in violation of District Drug and Alcohol policy or any violation resulting in a disciplinary action Level 3 or greater.

Reference: 4.20.046-AD

ALCOHOL/DRUG DISCIPLINARY MEASURES

PREVIOUS VIOLATION	CURRENT VIOLATION		DISCIPLINARY ACTION
If first violation was for ...	Within the past 3 years, is this the 1st, 2nd, or 3rd finding?*	Was this violation for possession/use or transfer/sale?	Then the Discipline Action Level will be:
N/A	First	Possession/Use	Level A
N/A		Transfer/Sale	Level B
Possession/Use	Second	Possession/Use	Level B
Transfer/Sale		Possession/Use	Level C
Possession/Use		Transfer/Sale	Level B
Transfer/Sale		Transfer/Sale	Level C
Any Violations	Third	Possession/Use	Level C
Any Violations		Transfer/Sale	Level C

* In order for an incident to qualify as a "finding" there must be a hearing conducted by an administrator and a letter to parents/guardians stating the decision.

DISCIPLINARY ACTION LEVEL	DESCRIPTION
Level A	Insight Class and student barred from competition, games, and performances for 28 days. In addition, at the administrator's discretion, the student may be suspended for up to five (5) school days and/or be required to perform up to eight (8) hours of community service.
Level B+	Expulsion. May be delayed if the student is accepted into a school-approved alternative program or treatment service that addresses the student's alcohol and other drug issues. Student is excluded from District schools and School District activities.
Level C+	Expulsion.

+ In lieu of these Disciplinary Actions, an alternative plan may be developed.

Special procedures must be followed for students with disabilities or formal Section 504 plans who are suspended for more than ten (10) consecutive days in any school year, for additional removals of up to ten (10) school days that do not constitute a pattern, for separate acts of misconduct which constitute a pattern, or if student is being considered for expulsion.

P=PPS Board Policy; AD=PPS Administrative Directive
AR=OR Administrative Rule; ORS= OR Revised Status