

ALCOHOL AND DRUG ABUSE

The Caldwell County Board of Education believes this comprehensive Alcohol and Drug Abuse Policy addresses all major components of this important issue; prevention education, involvement of parents, notification of law enforcement officials, disciplinary action and random drug testing of athletes, cheerleaders and student drivers. It is the intent of the board to involve all parties in addressing this serious societal issue as it will take a collaborative effort to eliminate alcohol and drug use by students.

I. Alcohol and Drug Prevention Education

- A.** Alcohol and drug prevention education empowers youth to avoid problems related to the use/abuse of chemical substances prior to their onset. All societal institutions must play a crucial role in fostering a drug-free environment for youth. Schools are uniquely situated to be a part of the solution to student alcohol/drug use and will cooperate with students, parents, families, and the community to achieve this end.
- B.** The school system will provide appropriate instruction to equip students with accurate information and life skills that influence their decisions concerning the use of alcohol/drugs. The curriculum will reflect a “NO” use message as opposed to a “responsible” use message. It also will follow the sequence of study as outlined in the NC Standard Course of Study.

II. Intervention

Recognizing that alcohol/drug abuse is an addictive illness that is progressive, it is imperative that processes be in place to interrupt the use/abuse cycle of alcohol/drug users in order for them to receive appropriate assistance at the earliest possible time. Staff members at each school shall be trained to assist by providing intervention strategies and referrals. In addition, the use of “Student Assistance Teams” and other intervention strategies are encouraged. While the school system can provide referrals for free assessments, it is not responsible to pay for professional or treatment services for students.

III. Possession, Use or Sale of Alcohol or Drugs Prohibited

The possession, use, sale or distribution of any prohibited substance, as defined in paragraph B below, at school, at any school-related activity or on any school property is prohibited and will result in disciplinary action.

- A.** The word “possession” shall mean having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to, the possession of a prohibited substance in a student’s automobile, locker, book bag or desk, or on a student’s person at school, at any school-related activity or on any school property.

III. Possession, Use or Sale of Alcohol or Drugs Prohibited

- B.** The words “prohibited substance” shall include:
1. Wine, wine cooler, beer, and any other malt beverage; including “non-alcoholic” beer and malt beverages that contain less than .5 of one percent of alcohol;
 2. Alcohol, liquor, liqueurs, and mixed alcoholic beverages;
 3. Any drugs listed in the North Carolina Controlled Substances Act’ including, but not limited to: narcotics, depressants, stimulants, hallucinogens, and cannabis, which drugs are commonly known or referred to as: marijuana, acid, LSD, speed, Quaaludes, valium, cocaine, crack, PCP, ice, steroids, and other names;
 4. Any counterfeit controlled substance; and
 5. Any chemical compound that will induce a condition of intoxication when inhaled for that purpose.
- C.** The word “use” shall mean the consumption, injection, inhalation or absorption of a prohibited substance into a student’s body by any means during normal school hours (including extra-curricular activities) or at any time prior to school or a school activity when the prohibited substance remains in the student’s body or influences a student’s behavior to any degree at school or a school-related activity.
- D.** The word “sale” shall mean the exchange of a prohibited substance for money, property, or any other consideration.
- E.** The word “distribution” shall mean the gift or exchange of a prohibited substance or the possession of an amount of a particular controlled substance that would establish intent to distribute the substance under the provisions of the North Carolina Controlled Substances Act.
- F.** Special Note: Prescription medication use shall be controlled by rules developed within the school and in accord with the physician’s directions. School rules to handle the possession, use, and distribution of over-the-counter medications shall also be developed.

IV. Possession of Drug Paraphernalia

- A.** A student shall not knowingly use or possess with the intent to use at school, at any school activity or on school property, drug paraphernalia, as defined in NCGS 90-113.21 and this policy.
- B.** The term “drug paraphernalia,” as defined in NCGS 90-0113.21 and this policy means all equipment, products and materials of any kind that are used to facilitate or are intended or designed to facilitate, violations of this policy and/or the Controlled Substances Act, including planting, growing, making, producing, processing, testing, analyzing, packaging, containing, injecting, ingesting and/or inhaling controlled substances.

IV. Possession of Drug Paraphernalia

C. The term “drug paraphernalia” includes, but is not limited to, the following:

1. Testing equipment for identifying or analyzing the strength, effectiveness or purity of controlled substances;
2. Scales and balances for weighing or measuring controlled substances;
3. Capsules, envelopes, balloons or other containers for packaging small quantities of controlled substances;
4. Hypodermic syringes, needles, and other objects for injecting controlled substances into the body;
5. Objects for ingesting, inhaling or otherwise introducing marijuana, cocaine, crack, or PCP into the body such as:
 - a. Metal, wooden, glass, ceramic and other kinds of pipes commonly used for smoking or inhaling controlled substances;
 - b. Water pipes;
 - c. Roach clips or similar objects for holding burning material such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - d. Miniature cocaine or crack spoons and vials;
 - e. Bongs; and
 - f. Rolling papers for making marijuana cigarettes.

D. In determining whether an object is drug paraphernalia, the school official may consider along with all other information obtained:

1. Statements by the owner or anyone in control of the object concerning its use;
2. Prior records of use of possession of controlled substances by the owner or person in control of the object;
3. The proximity of the object to a controlled substance or the residue of a controlled substance;
4. Instructions provided with the object concerning its use; and
5. Possible legitimate uses for the object.

E. Exception for school equipment and supplies. The term drug paraphernalia does not include chemicals, supplies and equipment purchased, used and possessed for use in school sponsored and approved classes, projects and activities.

V. Advertising of Alcoholic Beverages and the Use of Controlled Substances

A. The commercial advertisement of beer, wine, wine coolers, mixed alcoholic beverages and any other kind of alcoholic beverage; the commercial advertisement of drug paraphernalia and the commercial advertisement of controlled substances or the advantages of their use is prohibited at school, at school-related activities for students or on school property.

V. Advertising of Alcoholic Beverages and the Use of Controlled Substances

- B.** For the purposes of this policy, the term “commercial advertisement” shall mean any form or medium of commercial expression that is designed or intended to promote the sale, possession, and use of the prohibited substances defined in this policy the possession, use and sale of which are prohibited at school, at school-related activities or on school property.

- C.** The ban of commercial advertisement of prohibited substances shall not apply to the use of such advertisements by students and/or teachers in a school program or activity on the harmful effects of alcohol and drugs. The discouragement of commercial advertisement of prohibited substances shall not apply to magazines, newspapers and other publications having a general circulation in the community, state and/or nation which are purchased by the school or school system for their educational value.

This exception is justified for the following reasons: (1) the Board of Education has no authority, legal or otherwise, to control the content of such publications; and (2) the educational value of the publications overrides the Board of Education’s concerns about their advertisement of alcoholic beverages.

VI. Disciplinary Actions

- A.** The following disciplinary actions are designed and intended to address the problem of alcohol and drug abuse among students by providing information and recommending intervention programs for the first time user who seeks assistance and to punish others, particularly the student who sells or distributes alcohol or drugs to other students.

- B.** Any student who seeks the assistance of school personnel voluntarily for an alcohol or drug-related problem other than the sale of distribution of prohibited substances, shall not be disciplined as described below, but shall be provided such assistance as is available to help the student solve his/her problem including, but not necessarily limited to, referring the student to an approved treatment provider.

- C.** Any prohibited substance or drug paraphernalia found at school or a school-related activity shall be confiscated by the school and any controlled substance confiscated shall be turned over to law enforcement officials.

D. The Board of Education directs that the following disciplinary actions be taken when a student is found to have violated the prohibitions set forth in this policy:

1. Possession or Use of a Prohibited Substance or Drug Paraphernalia
 - a. First Offense: Three to ten-day out-of-school suspension and a recommendation to the superintendent that the student be suspended for the remainder of the school year; provided, however, that the recommendation may be waived if the student and the student's parent(s)/guardian(s) agree to attend and successfully complete an alcohol and/or drug abuse education and/or intervention program at the student's/parent's expense. The student may also be prosecuted under the juvenile or criminal laws of this state.
 - b. Second Offense: For a second offense during a student's public school career, a 10-day suspension, out-of-school, and a recommendation that the student be expelled. However, the student may apply for re-admission to the regular school program at the beginning of the next semester (more than 45 school days after the date of the long-term suspension) under the following conditions:
 - (1) The student enrolled in and successfully completed an alcohol and/or drug abuse intervention program at the student's/parent's expense;
 - (2) The student and his/her parents agree to mandatory drug testing of the student upon re-admission and during each semester with the understanding that in the event of a positive drug or alcohol test the student will be subject to long term suspension.

The appropriate law enforcement agency shall be notified of all drug related incidents. The student also may be prosecuted under the juvenile or criminal laws of this state.

2. Sale or Distribution of a Prohibited Substance or Drug Paraphernalia
 - A. First Offense: Ten-day out-of-school suspension and recommendation to the superintendent that the student be suspended long-term or expelled. Serious consideration shall be given by school and law enforcement officials to initiating a juvenile petition or a criminal prosecution. However, the student may apply for re-admission to the regular school program after one calendar year under the following conditions:
 1. The student enrolled in and successfully completed an alcohol and/or drug abuse intervention program at the student's/parent's expense;
 2. The student and his/her parents agree to mandatory drug testing of the student upon re-admission and during each semester with the understanding that in the event of a positive drug or alcohol test the student will be subject to long-term suspension.
 - B. Second Offense: Ten-day out-of-school suspension and a recommendation to the superintendent that the student be expelled. If expelled, the student will not be re-admitted.

- C. In addition to the above disciplinary actions, any student suspended from school for a violation of this policy shall not be allowed to participate in athletics and extra-class activities for a minimum of thirty (30) school days. Students may be suspended or expelled from a club, honor society, extra class or other extra-curricular activity for a longer time period at the discretion of the principal or the principal's designee.
- D. Factors which may justify less serious disciplinary action include, but are not necessarily limited to: the child attends an elementary school.
- E. Factors which justify a more serious disciplinary action include, but are not necessarily limited to: the student has a bad conduct record, the student possessed or used an excessive amount of a prohibited substance, or the student possessed or used a controlled substance listed on Schedules *I through V or the Controlled Substance Act.

VII. Notification and Involvement of Parents

- A. A student's parents or guardian(s) shall be notified at any time a student violates or is believed to have violated the policy.
- B. In accordance with paragraph VI, C, 1, a, the parent(s) or guardian(s) of a student guilty of using or possessing a prohibited substance, first offense, shall be urged to participate in an alcohol and drug education program as a condition for the waiver of the suspension. However, a parent's or guardian's attendance may be excused by the superintendent of his designee for a good and valid cause.

VIII. Notification and Involvement of Law Enforcement Officials

- A. The principal or assistant principal shall inform the appropriate law enforcement agency when any controlled substance is possessed, used, sold, or distributed at school, at any school-related activity or on school property.
- B. Any controlled substance confiscated by school officials shall be turned over to the police or sheriff for identification, if necessary, and for disposal. The report of the law enforcement agency attesting to the nature of any confiscated substance shall be admissible as prima facie evidence of the identity of the substance at any student disciplinary hearing.
- C. School officials shall assist law enforcement officials with the prosecution of any person who sells or who is believed to have sold any controlled substance at school or at a school related activity.

VIII. Notification and Involvement of Law Enforcement Officials

- D.** The superintendent is delegated the authority and power to authorize any local, state, or federal law enforcement agency to place an undercover officer or officers or a drug detecting dog in a school of this school system for the purpose of gathering evidence by lawful means which will lead to the arrest and conviction of any person who is violating the Controlled Substances Act of this state when the superintendent believes that the incidence of alcohol and/or drug abuse at a school is endangering the health and welfare of the students assigned to the school.

IX. Alcohol and Drug Incidence Surveys

- A.** Surveys of students should be conducted periodically to determine the prevalence and incidence of alcohol and drug use among the students of this school system.
- B.** The survey shall be conducted in a manner that ensures the confidentiality of each student's responses. The information provided by a student on the survey shall not be used in any way or manner as an admission of alcohol or drug use by the student responding for the purpose of administering school discipline.

X. Record Keeping

- A.** The superintendent or his designee shall be notified of each violation of this policy and periodic reports shall be produced by the superintendent or his designee on the incidence of alcohol and drug violations in the schools.
- B.** Any violation of this policy shall be recorded and placed in the student's permanent record until the student graduates or withdraws from the school system. The record shall be retained for five years and then shall be destroyed.

XI. Drug Testing of Students

- A. Reasonable Cause Alcohol/Drug Testing.** When a principal or assistant principal has reasonable basis to believe that a student is using or is under the influence of alcohol or a controlled substance at school, at a school activity or on school property in violation of this policy, the school administrator may offer the student and the student's parents the opportunity for an alcohol and/or drug test, at Board expense, to determine whether the administrator's belief is justified. If the test results are negative for the presence of alcohol or an illegal drug, the student shall be found innocent of the allegations of misconduct. A decision by the student or the student's parent not to be tested shall not be used against the student. In that event, the school administrator shall base his/her disciplinary decision solely on the information obtained during the investigation of the alleged misconduct. If test results are positive for the presence of drug or alcohol, the results shall be considered relevant corroborative evidence of a violation of this policy.

XI. Drug Testing of Students

B. Random Testing of High School Students Participating in Athletic/Cheerleading Extracurricular Activities and/or Operation or Parking a Motor Vehicle on Campus.

1. Participation in extra-curricular athletics/cheerleading or operating/parking a motor vehicle on campus are privileges, not rights. High School students involved in such athletic/cheerleading extracurricular activities represent the school and school system in interscholastic competition, public performances and various other activities. They are role models for other students. Their use or abstinence in the use of alcohol or illegal drugs is likely to influence the choices of other high school students. In addition, the use or abuse of alcohol and/or illegal drugs by these athletes/cheerleaders is likely to increase student injuries to the user or others with whom he/she is playing. Student drivers are inexperienced and pose a substantial risk to the safety of themselves and others should they operate a motor vehicle on campus or elsewhere while under the influence of alcohol or illegal drugs. Finally, the Board believes that the adoption of this random alcohol and drug testing policy will deter the use of alcohol and drugs among high school students. Therefore, the Board of Education has adopted this policy on the random alcohol and drug testing of students who participate in athletic/cheerleading extracurricular activities or who operate or park a motor vehicle on campus.
 - a. This policy applies to all high school students who elect on a voluntary basis to participate in any school sponsored athletic/cheerleading extra-curricular activity or to operate or park a motor vehicle on campus.
 - b. Random alcohol and drug testing required. To be eligible to participate in athletic/cheerleading extracurricular activities or to operate or park a motor vehicle on campus, the student and his/her parents or guardian must agree, in writing on a form adopted by the superintendent, to submit to random alcohol and drug testing. A percentage of the eligible students at each high school, determined by the superintendent (not to exceed 10%) shall be selected at random for testing on a periodic basis as established by the superintendent. The students shall be tested for the presence of marijuana, cocaine, amphetamines, and any other drugs the superintendent deems appropriate.
 - c. Consequences of a positive test.
 1. First Offense – In the event an applicable student refuses to participate in a random drug test or tests positive for alcohol or drugs, the student shall be ineligible to participate in athletic/cheerleading extracurricular activities or operate or park a motor vehicle on campus for 365 calendar days. However, if the student and the student’s parent successfully complete an alcohol or drug abuse education and/or intervention program at the student’s/parent’s expense, the student shall regain eligibility to participate in athletic/cheerleading extra-curricular activities and/or operate or park a motor vehicle on campus after 30 school days or the end of that sports season, whichever is greater.

XI. Drug Testing of Students

2. Second Offense – In the event a student tests positive a second time or fails or refuses to participate in the second alcohol/drug test when selected at random, the student shall be ineligible to participate in extra-curricular activities, or operate or park a motor vehicle on campus, for 365 calendar days.
3. The student shall not be subject to suspension from school simply as a result of a positive random test; however, other sections of this policy may apply.

C. Voluntary Random Drug Testing Program

1. The Board authorized and directs the superintendent to develop and implement a voluntary random alcohol and drug-testing program for all students.
2. Participation in the program must be based upon the voluntary written request of the parent or guardian or by the student with the permission of the parent or guardian. Total costs shall be borne by the student's parents.
3. If a student tests positive for alcohol or drugs, the report will be shared in a confidential manner with the student and the student's parents. Information will also be provided to the student and the student's parents regarding alcohol and drug abuse prevention and intervention programs in the community. The report shall not be made a part of the student's educational or disciplinary records and will not be shared with teachers or other employees.
4. No student may be disciplined, suspended or expelled for a positive test administered through this voluntary program.

D. Testing Procedures

It is the responsibility of the superintendent to develop and implement testing procedures for each of the above programs that:

1. Respects the privacy interests of the students during the collection of urine samples;
2. Provides a secure chain of custody of each student's urine sample;
3. Provides for screening and confirming tests which use generally accepted testing procedures at an approved laboratory;
4. Provides an opportunity of a student who tests positive for alcohol or drugs to submit appropriate documentation of any medications he/she is using to a medical review officer to explain the test results before the results are reported to school officials. If the medical review officer is satisfied that the positive test result was caused by the use of prescribed or lawful medications, the test shall be reported as negative to school officials; and,
5. Provide an opportunity for a student who tests positive to submit a portion of his/her urine sample to a private approved laboratory at the student's expense for a second confirming test.