

Unauthorized or illegal drugs and alcohol are a threat to safe and orderly schools and will not be tolerated.

**PROHIBITED BEHAVIOR**

No student shall possess, use, distribute, sell, possess with intent to distribute or sell, or conspire or attempt to distribute or sell, or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, other controlled substance, any alcoholic beverage, malt beverage, fortified wine, other intoxicating liquor, drug paraphernalia, counterfeit substance, any unauthorized prescription drug, or any other chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior including synthetic stimulants, such as MDPV and mephedrone (e.g., "bath salts"), and synthetic cannabinoids (e.g., "Spice," "K2").

For the purpose of the Code of Student Conduct the following definitions apply:

- 1) **Possess:** 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.
- 2) **Use:** the consumption, injection, inhalation or absorption of a prohibited substance into a student's body by any means.
- 3) **Under the influence:** the use of any prohibited substance at any time or place when the prohibited substance would influence a student's mood, behavior, or learning to any degree.
- 4) **Sell:** the exchange of a prohibited substance for money, property, or any other benefit or item of value.
- 5) **Distribute:** to give, share, or pass a prohibited substance.
- 6) **Possess with intent to distribute/sell:** intent to distribute or sell may be determined from the amount of the prohibited substance found, the manner in which it was packaged, the presence of packaging materials such as scales, baggies or other containers, or from statements or actions of the student that demonstrate an intent to distribute or sell.

- 7) **Counterfeit Substance:** any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this policy.
- 8) **Unauthorized Prescription Drug:** any drug or medication that has not been prescribed for the student.

Students also are prohibited from possessing, using, transmitting or selling drug paraphernalia or counterfeit (fake) drugs. Students may not in any way participate in the selling or transmitting of prohibited substances, regardless of whether the sale or transmission ultimately occurs on school property.

Possession or use of prescription and over the counter drugs are not in violation of this policy if possessed and used in accordance with board policy 6125, Administering Medicines to Students. The principal may authorize other lawful uses of substances otherwise prohibited by this policy, such as for approved school projects.

#### CONSEQUENCES

As required by board policy 4335, Criminal Behavior, the principal must report to the appropriate law enforcement agency any student who is in possession of a controlled substance in violation of the law. In addition, school sanctions will be as outlined below.

##### Kindergarten and Elementary Schools

Principals in the elementary grades are expected to use good judgment and reasonable discretion in applying board policies and in determining the appropriate consequences for violation of board policies, school standards or rules.

##### Middle and High Schools

An appropriate consequence for a student who has been found to have sold or otherwise transmitted prohibited substances is presumed to be suspension for the remainder of the school year. Depending upon the circumstances, a student may be permanently expelled (see board policy 4353, Long-Term Suspension, 365 Days Suspension, Expulsion). The superintendent may assign the student to an alternative program if he or she believes that it is in the student's best interest, the alternative placement is appropriate and placement of the student will not jeopardize the safe and orderly environment of the alternative placement. If an alternative consequence is approved, the superintendent must document the basis for the alternative consequence. Any other violation of this policy may result in long-term suspension up to the remainder of the school year or expulsion.

The principal must notify the superintendent of all violations of this policy, and recommend appropriate consequences. In making the recommendation to the superintendent, the principal must provide an assessment of whether any available services, such as school counseling services, an alternative school, substance abuse programs or programs provided by other agencies, would assist the student and whether any services should be a part of the consequence.

The superintendent or superintendent's designee must approve any consequence for violations of this policy, including any recommendations for long-term suspension or expulsion. A student re-entering school following treatment for substance abuse should be identified by the school as highly at-risk and provided a transition/support plan developed collaboratively by staff, parent(s) and, when appropriate, the student. The transition/support plan must include periodic monitoring. The superintendent is responsible for ensuring that this policy is fairly applied throughout the school district. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy.

Legal References: G.S. 18B-301; 20-11(n1); ch. 90 art. 5; 115C-47, -276, -288, -307, -390.2

Cross References: Student Behavior Policies (policy 4300), Criminal Behavior (policy 4335), Administering Medicine to Students (policy 6125)

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