

DRUGS IN SCHOOL

I. Generally

The unlawful manufacture, distribution, dispensation, possession, use or being under the influence of alcohol, anabolic steroids, or any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, or other controlled substance, imitation controlled substance or drug paraphernalia while on school property, while going to and from school, or while engaged in or attending any school-sponsored or school approved activity or event, is prohibited.

“Controlled substance” shall mean those substances described in the Drug Control Act of Chapter 34 of Title 54.1 of the Code of Virginia and the Controlled Substance Act in 21 USC § 812 and “drug paraphernalia” shall mean those items described in section 18.2-265.1 of the Code of Virginia.

“Imitation controlled substance” shall mean pill, capsule, tablet, or other item which is not a controlled substance, and alcoholic beverage, anabolic steroid, or marijuana, but which by overall dosage unit appearance, including color, shape, size, marking or package, or by representations made, is intended to lead or would lead a reasonable person to believe that such pill, capsule, tablet or other item is a controlled substance, and alcoholic beverage, anabolic steroid, or marijuana.

In accordance with § 22.1-277.08 of the Code of Virginia, a student who has brought a controlled substance, imitation controlled substance, marijuana as defined in § 18.2-247 onto school property or to a school-sponsored activity must be recommended for expulsion by the principal, unless the principal determines that, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. If the principal recommends expulsion, the superintendent or his designee is authorized to conduct a preliminary review of such cases to determine whether disciplinary action other than expulsion is appropriate. In any such case in which a recommendation of expulsion is before the school board, the school board may determine that, under the facts of the particular case, special circumstances exist and another disciplinary action is appropriate. If other disciplinary action is taken, the procedures set forth in Policy JGD/JGE shall be followed.

The school board may require any student who is in possession of or under the influence of drugs at school or school-sponsored activities to: (1) undergo evaluation for drug abuse and (2) participate in a drug treatment program if recommended by the evaluator and if the student’s parent consents.

II. Students with Disabilities

- A. Students with disabilities are subject to the provisions of Section I of this policy and may be disciplined to the same extent as a nondisabled student provided the manifestation review committee determines that the violation was not a manifestation of the student's disability. The provisions of Policy JGDA Disciplining Students with Disabilities will be followed in addition to the regular disciplinary procedures.
- B. Additional authority to remove a student with a disability from school for a drug violation.
1. In addition to the authority granted in subsection A above, a student with a disability may be removed without parent consent and assigned to an interim alternative education program by school personnel for not more than forty-five (45) school days when the student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the jurisdiction of a state or local educational agency. This option is available regardless of whether a manifestation exists. The removal should not be in excess of any removal imposed on a student without a disability for the same offense.
 2. For purposes of this forty-five (45) school day removal, "illegal drugs" and "controlled substance" are defined as follows:
 - a. Controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V in § 202(c) of the Controlled Substances Act at 21 U.S.C. § 812(c).
 - b. Illegal drug means a controlled substance, but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision of federal law.

Adopted: August 21, 2006
Amended: June 20, 2011
Amended: July 21, 2014
Amended: July 20, 2015 (not VSBA)

Legal Refs: 20 U.S.C. §§1415(k)(1)(G)(ii), 1415(k)(7)(A), 1415(k)(7)(B).
21 U.S.C. § 812(c).

Code of Virginia, 1950, as amended, §§ 18.2-247, 18.2-250, 18.2-250.1, 18.2-255.2, 22.1-277.08.

8 VAC 20-81-10.

Cross Refs:	CLA	Reporting Acts of Violence and Substance Abuse
	JGD/JGE	Student Suspension/Expulsion
	JFC	Student Conduct
	JFC-R	Standards of Student Conduct
	JGDA	Disciplining Students with Disabilities