

## **GILMER COUNTY POLICY:**

### **SUBSTANCE ABUSE POLICY**

**Policy # 5311**

**Purpose:** No policy or procedure can be effective without the understanding and cooperation of all parties involved. Specifically, in regard to drug policies and procedures an understanding is rationale for such a document by students, teachers, staff, administration and parents. A sense of cooperation based on this knowledge may help to prevent or intervene in potential drug problems and enable those involved to more effectively handle actual difficulties as they occur. The purpose of this policy is to provide preventive and protective measures for addressing substance abuse and prohibiting the use or distribution of alcohol, tobacco, and other drugs within school settings and activities.

**Application:** While under the jurisdiction of the Gilmer County Board of Education, students are not permitted to use, be under the influence, or possess, with or without intent to deliver, transfer, or sell, any of the following:

- Alcoholic Beverages\*
- Non-intoxicating Beer
- Controlled Substance(s)\*
- Drug(s), or
- Drug Paraphernalia\*\*
- Look-alike drugs
- Anabolic steroids
- Prescription or patent drugs, except those for which permission for use in school has been granted pursuant to Board policy
- Nonprescription medication
- Inhalants
- Narcotic

(\*as defined in Chapter 60 and 60A of the West Virginia Code)

(\*\*as defined in Chapter 47 of the West Virginia Code)

### **Definitions:**

1. Alcoholic Beverage - includes alcohol, spirits, liquor, wine, and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half of one percent or more alcohol by volume which is fit for beverage purpose either alone or when diluted, mixed or combined with other substances.
2. Controlled Substance (hereinafter may be referred to as substance) - a drug, substance or immediate precursor in Schedules I through V of the West Virginia Code 60A-2-206, 60A-2-210, 60A-2-212.
3. Drug - (1) substances recognized as drugs in the official "United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or National Formulary", or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3)

substances (other than food) intended to affect the structure or any function of the body of man or animals; (4) substances intended for use as a component of any article specified in (1), (2), or (3); and (5) substances not approved for use according to policy in Gilmer County.

4. Possession - the presence of an illicit controlled substance(s) or alcoholic beverage(s) in any amount on the person of the student or in an area under the students' control, including but not limited to student lockers, desks, books, vehicles, and personal items. Possession of drug paraphernalia containing resin or residue constitutes possession. There must be a showing that the student had actual knowledge of the presence of the illicit substance(s) or that he had good reason to know of its presence.
5. Use - ingestion, injection, or inhalation of a controlled substance(s), drug(s), or alcoholic beverage(s).
6. Drug Paraphernalia - including but not limited to pipes, bowls, bong, roach clips, cocaine spoons, cocaine vials, containers designed for use in packaging small quantities of controlled substances, substances used or designed for use in cutting controlled substances and hypodermic syringes, needles and other objects used for injecting controlled substances into the human body.
7. Look-alike Drug - substances manufactured or designed to resemble drugs, narcotics, or other health endangering compounds included in the above definitions.
8. Inhalants - refers to over a thousand different household and commercial products that can be intentionally used/abused by sniffing or huffing (inhaling through mouth) to alter mood.
9. Prescription Medication - means a medication, including any controlled substance under state or federal law, under federal law that is required, prior to being dispensed or delivered, to be labeled with either the following statements: (1) "Caution: Federal law prohibits dispensing without prescription"; (2) "Caution: Federal law restricts this drug to use by, or on the order of a licensed veterinarian"; or a drug, which is required by any applicable federal or state law or rule to be dispensed pursuant only to a prescription drug order or is restricted to use by practitioners only.
10. Non-prescription medication - means a medication that may be sold without a prescription and which is labeled for use by the consumer in accordance with the requirements of the laws and rules of this state and federal government.
11. Narcotic – Narcotics are addictive drugs that reduce the user's perception of pain and induce euphoric (a feeling of exaggerated and unrealistic well-being) A highly addictive morphine derivative.

### **Preventive Measures:**

1. Gilmer County Schools shall have an instructional program that complies with Education Laws of West Virginia 18-2-9.
2. Appropriate speakers, consultants, films, videos, slides and other educational aids may be utilized both individually and for groups.

3. The schools will cooperate with the parent(s)/guardian(s) and community in the prevention of substance abuse.

### **Corrective Measures:**

#### Student Rights and Responsibilities

1. Students who use, are under the influence, possess, or deliver controlled substance(s), drug(s), look-alike drug(s), anabolic steroids, drug paraphernalia, inhalant(s), or any prescription drug(s) on school property or at any school-sponsored event will be subject to criminal charges and the consequences of Level IV of the Student Code of Conduct policy.
2. Students who use, or are under the influence, possess, or deliver alcoholic beverage(s) on school property or at any school-sponsored event will be subject to criminal charges and the consequences of Level III of the Student Code of Conduct policy.
3. Students who deliver nonprescription medication on school property or at any school-sponsored event may be subject to criminal charges and the consequences of Level ~~IV~~ III of the Student Code of Conduct policy.
4. Students who possess nonprescription medication on school property or at any school-sponsored event must be in compliance with county policy "Medication Administration Policy 5125.1c." Failure to comply with the Medication Administration Policy will result in Level III consequences of the Student Code of Conduct policy.
5. The civil rights of all students under investigation of this policy will be protected to the fullest extent by the faculty and administration in compliance with Section VIII of the Student Rights and Responsibilities Handbook. Students have the right of privacy and may expect a search will not be conducted unless appropriate school officials consider a search necessary to assure a controlled substance, drug, and alcohol free environment for all students. Students suspected of concealing item(s) in violation of this policy on county board of education property, on personal property, including vehicles, and on their person shall be asked to reveal the contents of such. If the student refuses to voluntarily comply with the request, the following searches may be conducted in the presence of another adult witness and the student when there is reasonable suspicion to believe the student is concealing item(s) in violation of this policy.
6. (a) Student lockers and desks are the property of the county board of education and may be searched by the building principal, or designee.  
  
(b) Personal property may be searched, including vehicles.  
  
(c) Personal search may be conducted when there is reasonable suspicion as justification for an immediate search.
7. A student's right to confidentiality with respect to information provided during a counseling session shall be respected
8. Controlled substance, drug, and/or alcohol related behavior:

- a. Students who believe they have a controlled substance, drug, and/or alcohol related problem are encouraged to seek counseling from a member of the faculty, the principal, or a designated counselor.
- b. Teachers who believe a student shows evidence of controlled substance, drug, and/or alcohol related behavior in class are encouraged to ascertain the cause or causes of the apparent behavior modification by offering assistance or expressing concern to the student.
- c. At the discretion of the teacher, suspected controlled substance, drug, and/or alcohol related behavior will be reported to the principal or designated counselor. It will then be the duty of the principal or the counselor to observe the student's behavior in class and recommend such counseling or action as deemed necessary to protect both the welfare of the individual student and that of the school community at large.
- d. In instances where students are not obviously under the influence or in possession of a controlled substance or drug paraphernalia, student initiated or counselor initiated counseling related to drug use will be accorded confidentiality in order to facilitate help for the student, in the event of such counseling, the counselor will be responsible for coordinating all possible means of assistance available to the students.
- e. Any counselor, who has reason to believe that a student's drug use may present an immediate danger to that student or any other, shall inform the principal ~~or~~ and the parent that their son or daughter is being counseled for a controlled substance, drug, or alcohol problem.
- f. Because supportive action by the parent(s) is crucial to the success of counseling, the parent(s) will be encouraged to contact the principal if they are concerned about their child's possible controlled substance, drug, and/or alcohol related behavior, and the principal will also encourage the parent(s) to become actively involved in any aspect of the counseling which is deemed desirable.

**Procedure for Possession and Presence of Materials in Violation of This Policy:**

1. All staff members will be required to immediately inform the building principal when a student is suspected of possessing materials or substances in violation of this policy.
2. When a school employee confiscates a suspected substance or materials, it should be placed in an envelope (or other container) and labeled with the date, time, how it was obtained, and from whom.
3. Appropriate Law Enforcement Agency may be asked by school officials to investigate when there is "reasonable suspicion" that illegal drug possession/activity is occurring on school property.
4. Notification procedure:
  - a. The student's parent(s) will be called by the Principal/Designee immediately after the investigation is completed by the administration.
  - b. The Superintendent of Schools will be notified.

- c. The police will be notified. If the student is to be questioned by the police, the Principal/Designee will make every effort to give the parent(s)/guardian(s) the opportunity to be present in accordance with Section IX, Students' Rights and Responsibilities Handbook.
  - d. The Principal/Designee may take any other action at this time as deemed appropriate.
5. The Principal/Designee will ask the appropriate law enforcement agency to analyze all confiscated suspected substance materials or drug paraphernalia.
  6. Any suspected substance, drug paraphernalia, or alcoholic beverage found on school property is to be brought to the Principal/Designee immediately. The Principal/Designee will ask the appropriate law enforcement agency to analyze the substance and take appropriate action.

Whenever it shall appear to any staff member, school nurse or other educational personnel, that a student is under the influence of materials or substances in violation of this policy:

1. The matter shall be reported to the Principal/Designee. The school nurse should be consulted if available.
2. If the Principal and/or school nurse believes the physical condition of the student warrants immediate medical attention, the parents will be notified and the appropriate health care facility contacted. If the health problem is not a medical emergency, the parents should be encouraged to take the student to the appropriate health care facility as soon as possible.
3. If it is determined the student is under the influence, the parent and the Superintendent of Schools shall be notified. The consequences will be determined in compliance with the Student Code of Conduct policy.

In taking action against a student for violation of this policy, the school/county shall follow appropriate due process procedures. All disciplinary action taken against the student shall be in accordance with local, state, and federal law.

### **Readmission to School after Suspension and/or Expulsion:**

All students are welcome to resume their education and are encouraged to do so. Counseling services shall be available for the student upon their return to school. Our primary concern is for the well being and best interest of students at all time by providing a safe public school.

### **Dissemination of Policy**

This policy, or a summary, shall appear in the student handbook, Gilmer County Schools Policy Manual and Gilmer County Schools Website.

**SOURCES:** 126CSR23 Title 126 Legislative Rule Board Of Education Series 23 SUBSTANCE ABUSE AND TOBACCO CONTROL (24422.5), Title 126 Legislative Rule Board of Education Series 99 STUDENT CODE OF CONDUCT (4373), Morgan County Policy: JFCI, and WV Code §18A-5-1a (b)(ii).

Policy Revisions Adopted: 4-10-07