

## **DRUGS IN SCHOOL**

### **I. Generally**

No person may manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance or imitation controlled substance while

- on the property, including building or grounds, of any public school;
- on public property or any property open to public use within 1,000 feet of the property, including building or grounds, of any public school;
- on any school bus; or
- at any designated school bus stop or any property open to public use within 1,000 feet of such school bus stop during the time when school children are waiting to be picked up and transported to or are being dropped off from school or a school sponsored activity.

### **A. Expulsion**

A student who is determined to have brought a controlled substance or imitation controlled substance onto school property or to a school-sponsored activity may be expelled in accordance with Policy 8090 Student Suspension/Expulsion. The Regional School Board may determine, based on the facts of the particular case that special circumstances exist and another form of discipline is appropriate. In addition, the Regional School Board authorizes the director or director's designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Any disciplinary action imposed pursuant to such a review must be taken in accordance with Article 3 of Chapter 14 of Title 22.1 of the Code of Virginia.

### **B. Prevention and Intervention**

Any student who violates this policy shall participate in the prevention and intervention activities as provided by the student's home school division.

The Regional 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.

### **C. Required Reporting to Parents and Local Law Enforcement**

The director shall report a violation of this policy to parents and local law enforcement as required by Policy 2030 Reporting Acts of Violence and Substance Abuse.

## 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 8013 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 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: June 18, 2015  
Amended: October 17, 2019  
Amended: October 21, 2021

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Legal Refs: 20 U.S.C. § 1415  
21 U.S.C. § 812.  
  
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: Pol 2030 Reporting Acts of Violence and Substance Abuse  
Pol 8090 Student Suspension/Expulsion  
Pol 8002 Student Conduct  
Pol 8013 Disciplining Students with Disabilities