

LAGUNA BEACH UNIFIED SCHOOL DISTRICT

Board Policy No. 5037: PROHIBITIONS AGAINST ALCOHOL AND DRUGS

A. GENERAL.

District policies regarding prohibitions against alcohol and drug abuse are intended to convey a no-use philosophy; address the risk factors to students of such abuse identified through research and promote a student-school-community partnership and nonpunitive alternative for self-referral, staff training, parent education, the proper involvement of law enforcement personnel, student assistance programs, and a healthy exchange of information between students, parents, school personnel and other supporting agencies while protecting confidentiality at all times.

The District Governing Board believes that prevention and early intervention efforts are critical factors in the District's efforts to help students to avoid disruptive effects of suspension and expulsion for drug and alcohol related offenses and drug/alcohol abuse. The District also recognizes its obligations to students with alcohol or drug related disabilities. The District is committed to making reasonable efforts at early intervention in cases in which a student has violated this policy or the same provisions contained in Board Policy 5014 (Student Discipline: Suspension and Expulsion). However, in cases in which expulsion is required by law for certain drug/alcohol offenses, or in cases in which there has been a second drug/alcohol offense, early intervention efforts are not feasible.

B. POLICY PROHIBITIONS AND DISCIPLINARY ACTION.

1. While it is the District's policy not to discriminate against a student who has an alcohol or drug related disability, and who seeks to participate in treatment, or who actually participates in such treatment, the District strictly prohibits and will take disciplinary action against any student for the following offenses:
 - a. Unlawfully possessed, used, sold, or otherwise furnished, or been under the influence of, any controlled substance (listed in Health And Safety Code sections 11053 et seq.), an alcoholic beverage, or an intoxicant of any kind.
 - b. Unlawfully offered, arranged, or negotiated to sell any controlled substance (listed in Health And Safety Code section 11053 et seq.), an alcoholic beverage, or an intoxicant of any kind, and then either sold, delivered, or otherwise furnished to any person another liquid, substance, or material and represented the liquid, substance, or material as a controlled substance, alcoholic beverage, or intoxicant.
 - c. Unlawfully possessed or unlawfully offered, arranged, or negotiated to sell drug paraphernalia, as defined in Section 11014.5 of the Health and Safety Code.
 - d. Unlawfully offered, arranged to sell, negotiated to sell, or sold the prescription drug SOMA.
2. Students who violate the prohibitions in this policy may be referred to law enforcement based upon the fact that some infractions violate local or state law. Any action taken by law enforcement will be in addition to the actions taken by the District.
3. A student may be suspended or expelled for any act identified in sub paragraph B.1 (a) – (d) of this policy document related to school activity or attendance which occurs at any time, including, but not limited to, any of the following:

- a. While on school grounds.
 - b. While going to or coming from school.
 - c. During the lunch period whether on or off the campus.
 - d. During, or while going or coming from, a school sponsored activity.
4. In accordance with Education Code section 48915(c), the Principal, Superintendent or their designees shall immediately suspend and shall recommend expulsion of any student who unlawfully sold any controlled substance (listed in Health And Safety Code section 11053 *et seq.*) at school or at a school activity off school grounds as defined in sub paragraph B.1 (a)- (d).
 5. In accordance with Education Code section 48915(a), the Principal or the Superintendent shall recommend the expulsion of any student who unlawfully possesses any controlled substance (listed in Health And Safety Code section 11053 *et seq.*) at school or at a school activity off school grounds as defined in sub paragraph B.3. (a)-(d) immediately above, unless the Principal or Superintendent finds that expulsion is inappropriate due to the particular circumstance. The Principal or Superintendent shall recommend expulsion in such cases if: (1) other means of correction are not feasible or have repeatedly failed to bring about proper conduct; and/or (2) due to the nature of the act, the presence of the student causes a continuing danger to the physical safety of the student or others.

C. FIRST OFFENSE FOR VIOLATION OF THIS POLICY BY STUDENTS ENROLLED IN GRADES SIX THROUGH TWELVE WHEN EXPULSION IS NOT RECOMMENDED AND IS NOT REQUIRED BY LAW.

1. For a first offense in violation of subparagraph B.1 (a) – (d), a student may be suspended for a period of five (5) school days either out-of-school or in-house as determined by the site administrator or designee. Additionally, student suspended for a first offense violation shall be assigned 20 hours of community service over and above hours required for graduation.
2. The student and his/her parents or guardians will be invited to a meeting with the site Principal or designee to discuss this policy and Board Policy 5014, and the consequences of the student's actions. The student and his/ her parents/guardians will be referred to community services and encouraged to seek counseling services that address student and family needs. The Principal or designee also shall explain the function of the Readmission Committee and its procedures as set forth in sub paragraph D of this policy document.

Prior to suspension, a conference between the student and whenever practicable, the school employee who referred the student, shall be conducted by the Principal or principal's designee unless there is a clear and present danger to the lives, safety or health of students or school personnel.

3. During the period of suspension, all teachers will be expected to provide makeup coursework upon the student's return to school. As practicable, independent study and/or reading assignments may be provided during the period of suspension.
4. During the period of suspension from school, the student shall not participate in any extra curricular or co-curricular activity. Further, students shall be ineligible to participate in extra curricular or co-curricular activities for 20 school days upon returning to school from school suspension for violation of this policy.
5. Students participating in extra curricular activities where academic credit is given shall be provided an alternative graded activity to earn such credit if suspended from the activity for a violation of this policy under number 4 above.

D. READMISSION COMMITTEE

In order to increase the potential that early intervention efforts will be successful, the Superintendent shall establish a Readmission Committee (Committee). The Committee shall be composed of District certificated administrators who will meet with the parent/guardian and student to discuss a transition plan back into the school program as well as conditions placed upon the student for readmission privileges. For students suspended for a first offense which does not carry with it an expulsion recommendation, under this policy, the Committee has the authority to reduce a suspension of four (4) or five (5) days to three (3) days based on the all of the circumstances if the student and parent/guardian are willing to enter into a written agreement. In such agreement, the student shall acknowledge the commission of the misconduct and the seriousness of the misconduct, promise not to engage in prohibited drug/alcohol misconduct or any other misconduct in the future, to participate in specified activities designed to help prevent a second offense, and other reasonable terms and conditions recommended by the Committee. In no case does the Committee have the authority to extend the suspension beyond five (5) days, or to recommend expulsion or hear appeals. Meeting with the Committee is voluntary, and a parent/guardian may choose not to meet with the Committee.

E. SECOND OFFENSE FOR VIOLATION OF THIS POLICY BY STUDENTS ENROLLED IN GRADES SIX THROUGH TWELVE WHEN EXPULSION IS RECOMMENDED OR REQUIRED BY LAW.

Where expulsion is recommended or required by law, a student shall be suspended from school for up to five (5) days in accordance with law. (See also Board Policy 5014 – Student Discipline: Suspension and Expulsion.)

F. ADDITIONAL CONSEQUENCES FOR A VIOLATION DURING ANY FIELD TRIP OR PARTICIPATION IN ANY EXTRA OR CO-CURRICULAR ACTIVITY.

While participating in any field trip or extra or co-curricular activity, a student who violates any prohibition in this policy will be sent home as soon as possible at the expense of the parents or legal guardians.

G. NOTIFICATION OF POLICY.

Students, parents and legal guardians at least annually shall be notified of this policy. The Superintendent shall establish additional means to assure that students and parents/guardians also are notified of the long term serious adverse effects on a student’s future of violating this policy.

Legal Reference:

Education Code sections 48900, 48915

in Board Policy 5014 (Student Discipline: Suspension and Expulsion)

Date Policy Adopted by the Board: September 28, 1999

Dates Policy Revised by the Board: October 23, 2001; June 9, 2009