



LOS ANGELES UNIFIED SCHOOL DISTRICT POLICY BULLETIN

TITLE: Preventive Measures and Mandatory Procedures for Students Who Violate Laws Regarding Drugs, Alcohol, Tobacco, and Other Intoxicants

NUMBER: BUL-3277.1

ISSUER: Judy Elliott, Chief Academic Officer

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ROUTING
 Local District Superintendents
 Local District School Support Directors
 Operations Coordinators
 Principals
 School Administrative Assistants
 SHHS Administrators
 School Nurses

PURPOSE The purpose of this Bulletin is to provide school administrators and other school personnel with information regarding state and federal laws as they relate to maintaining drug-, alcohol-, and tobacco-free schools, and to inform staff regarding the serious dangers and ease of access to intoxicants, including nonconventional, minimally-regulated intoxicants, by school-aged children within our communities.

MAJOR CHANGES: This Bulletin replaces BUL-3277.0 of the same title issued by Student Health and Human Services, dated October 1, 2006. Laws and policies have been updated. This Bulletin also provides guidance on addressing the use of non-conventional, minimally regulated intoxicants. Contact information for staff and offices relevant to the implementation of this policy has been updated.

GUIDELINES: I. INTRODUCTION

The use of drugs, alcohol, tobacco, and other intoxicants is damaging the lives of too many adults and young people in our nation. As teachers, parents, administrators, support personnel, students, classified staff, School Police, and community members, it is our responsibility to collectively address this problem using an integrated, effective approach.

The policies and procedures set forth in this Bulletin are applicable to all schools and all educational, health, safety, and after-school programs within the District. All schools shall incorporate into their respective school safety plans policies and procedures relating to student possession or use of drugs, alcohol, tobacco, and other intoxicants.

A school governance or decision-making council may develop a school-specific policy relating to student possession or use of drugs, alcohol, tobacco, and intoxicants on condition that this policy is consistent with federal and state laws and the policies set forth in this Bulletin. A school that elects not to develop a school-specific policy shall incorporate the provisions of this Bulletin into its school safety plan.



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II. LEGAL AUTHORITY

A. Federal Law

Title IV of the Safe and Drug-Free Schools and Communities Act imposes certain legal mandates upon the District to ensure that schools are kept safe and are free from drugs, alcohol, and tobacco. The purpose of Title IV is to enable local educational agencies to implement programs to prevent violence and the illegal use of drugs, alcohol, and tobacco in their schools, and to seek parent and community involvement in such programs in order to provide a safe learning environment in which students can achieve academic success.

Failure to adhere to the legal mandates imposed by Title IV may result in the District being ineligible for federal funding. As a condition of receiving federal funds, the District is required to adopt and fully implement policies and instructional programs that focus on the prevention or curtailment of the use of drugs, alcohol, and tobacco by students. In addition, Title IV of the Safe and Drug-Free Schools and Communities Act was amended by the No Child Left Behind Act (NCLB) of 2001. NCLB added the Pro-Children Act of 2001, which mandates that school districts prohibit smoking in buildings owned or operated by school districts. Failure to adhere to the Pro-Children Act of 2001 may result in the issuance of an administrative compliance order and imposition of a fine not to exceed \$1,000 per violation.

B. State Law

California Education Code Sections 48901 and 48900(h) prohibit students from using or smoking tobacco or other products containing tobacco or nicotine while on school grounds, on their way to or from school, during the lunch hour, or attending school-sponsored activities. California law also prohibits students from possessing, using, or selling drugs or alcohol while on school grounds, on their way to or from school, during the lunch hour, or attending a school-sponsored activity. Education Code Section 48900(c), which makes the unlawful possession, use, sale, or furnishing of any kind of intoxicant a suspendable or expellable offense.

C. Non-Conventional, Minimally Regulated Intoxicants

There exist a number of substances, some that are legally for sale, others that are legally sold but are deemed illegal when used or intended to be used as an intoxicant. Because these substances are



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unregulated or minimally regulated, they are currently widely accessible to children. Many of these substances are lesser known within adult communities outside of health & human services and law-enforcement. A primary class of such substances are what are commonly known as “inhalants”, inclusive of a broad spectrum of hydrocarbons used in propellants, solvents, and adhesives, as well as commercial grade nitrous oxide, While legal and regulatory efforts are underway to further curtail minors’ access to such substances, it is important to note their increased use in recent years and to reinforce within school communities that the District’s prohibition includes all *intoxicants*.

III. POLICY ON MANDATED PROCEDURES

The Los Angeles Unified School District does not tolerate the use, possession, or sale of drugs, alcohol, tobacco, or any other intoxicants by students on school campuses or at school-sponsored activities. School administrators must take immediate action to prevent, discourage, and eliminate the use or possession of drugs, alcohol, tobacco and other intoxicants on campus and at school activities. School administrators should use a variety of measures to address these issues, including education, intervention, and discipline. The disciplining of students who possess, use, or sell drugs, alcohol, tobacco or intoxicants must be in accordance with District policies concerning suspensions, opportunity transfers, and expulsions. In determining the type of disciplinary action to be taken against a student for the possession, use, or sale of drugs, alcohol, tobacco, or other intoxicants, administrators must consider each violation on a case-by-case basis as required by state and federal laws and District policies (see Sections VI and VII below).

IV. PREVENTION INSTRUCTION, INTERVENTION, AND RESOURCES

A. Prevention Instruction

School administrators are responsible for ensuring that all students enrolled in Grades K–12 are provided with integrated and coordinated programs (see Attachment A). These programs should be based on student needs and educationally sound and legally acceptable educational practices. Furthermore, these programs should be age-appropriate and developmentally based and provide instruction for all students regarding the prevention or reduction of the use of drugs, alcohol, tobacco, and any other intoxicants. Education Code Section 51210 requires that students enrolled in Grades 1–6 receive general health education courses. Education Code Section 51260 requires that drug education be incorporated into the



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students' general health courses. In Grades 7 through 12, students shall receive instruction on drug education that must be conducted in conjunction with courses given on health or in any appropriated area of study. California Health and Safety Code Section 11998 require that students enrolled in K–12 receive drug- and tobacco-abuse education. The California Department of Education recommends that, for the instruction to be effective, public schools allocate a minimum of 6 to 10 hours per year on drug, alcohol, and tobacco abuse and violence prevention.

B. Intervention

Schools must provide intervention services for all students who need them. Some suggested intervention strategies are listed in Attachment A.

C. Resources

Attachment A also lists programs and services related to drug, alcohol, and tobacco abuse that are available within the District and in the community.

V. GUIDELINES FOR DISCIPLINARY ACTIONS

- A. The purpose of District policy regarding student misconduct involving controlled substances, alcohol, tobacco, and intoxicants is to maintain safe and drug-, alcohol-, tobacco-, and intoxicant-free schools, as well as to provide programs and services that reduce and curtail student use of these substances. For each incident of use, many factors need to be considered to determine the appropriate action.
- B. In accordance with state and federal law, whenever possible, positive, nonpunitive interventions that are designed to help the student shall be used. In other words, the initial administrative response to drug offenses shall be to address the psycho-educational needs of the student unless other action is mandated by law. Sale of drugs requires, under the law, a mandatory recommendation to expel. Parent conferences and referrals to school-based interventions, such as the IMPACT program, and community-based programs must be considered.

VI. EXPULSION AS A DISCIPLINARY ACTION

Expulsion is the most serious disciplinary action a school district can take against a student. In instances of drug offenses, a principal may wish to use expulsion. Attachment B, "Matrix for Student Expulsion



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Recommendations,” summarizes the violations for which a principal may or must recommend expulsion for a student. The matrix also describes how much discretion a principal has and when. When using the matrix, administrators should note the following:

- A. Principals must recommend expulsion for any student who engages in the unlawful sale of a controlled substance while at school or at a school activity off campus (Category I, No. 3, on Matrix).
- B. A student in unlawful possession of any controlled substance at school or at a school-sponsored activity, whether on or off campus, may be expelled (Category II, No. 3).
- C. All other student offenses regarding controlled substances, alcohol, or tobacco are addressed in the Matrix under Category III (Nos. 2, 3, 6, and 8).
- D. The offenses enumerated in Category III of the Matrix are violations of the Education Code and may result in expulsion. However, since expulsion is the most serious disciplinary action the District may take against a student, it is almost always reserved for the more severe and dangerous violations.
- E. The California Education Code sections 48915 (a), (b), and (e) prohibit expulsion for offenses enumerated in Categories II and III of the Matrix, including those involving violations involving controlled substances, alcohol, or tobacco unless and only if the school can show evidence of one or more of the following:
 - 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 others or to himself or herself.

For information regarding the need for, or the appropriateness of expulsion, administrators may call the Student Discipline Proceedings office at (213) 765-2855.

VII. JOINT RESPONSIBILITIES OF SCHOOL POLICE AND ADMINISTRATORS

- A. School Police will patrol District campuses and properties, as well as surrounding communities, for drug, alcohol, and tobacco violations



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involving District students.

- B. School Police will coordinate with school staff in maintaining records on drug and alcohol use and sales in the schools for the purpose of evaluating and improving prevention efforts.
- C. School administrators must notify School Police when a student is found in possession of alcohol or illicit drugs.
- D. School administrators must notify School Police when a student is suspected of being under the influence of drugs or alcohol. The school police officer or Drug Recognition Expert (DRE) dispatched to the school site will assess the student to determine if the student is under the influence of drugs or alcohol. In addition, such personnel will consult the school nurse or other healthcare staff to determine if a medical reason exists to justify the student's condition. In cases where there is any concern over a student's immediate need for medical attention, or if site personnel's assessment is inconclusive, paramedics are called to the scene.
- E. School Police may arrest or cite a student who is found in possession of drug paraphernalia.

VIII. PRESCRIBED AND OVER-THE-COUNTER MEDICATIONS

- A. Students may take prescribed medication and over-the-counter drugs during school hours provided that the appropriate District forms for such purposes are completed, signed, and on file. The purpose of this policy is twofold: to establish a safe and effective means whereby students may take needed medication at school and to ensure that the protection of all students will be maintained.
- B. Students who are required to take physician-prescribed or over-the-counter medication during the regular school day shall be provided assistance by the school nurse or other designated school personnel. All approved medications must be housed in the school health office along with the appropriate District forms for authorization signed by both the health care provider and the parent or guardian.
- C. With the written opinion of the parent, physician, and school nurse that a student is physically, mentally, and behaviorally capable of assuming the responsibility for self-administering the medication, the student may be allowed to carry prescribed medications, such as inhalers, EpiPen[®], glucagon, or other medications when the medications are needed to prevent possible life-threatening



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emergencies. If a student has a medication that has not been authorized, the school nurse or Nursing Services Coordinator should be notified to determine if the medication puts the student at risk for a life-threatening emergency. The appropriate authorization for the administration of medication at school should be discussed with the parent/guardian.

- D. For further information, call the Director of Student Medical Services at (213) 765-2830, or the Director of District Nursing Services at (213) 765-2800.

IX. CONFIDENTIALITY OF STUDENT RECORDS

Pupil records are confidential and should only be disclosed in a manner that complies with federal and state laws. Documents generated, obtained, or maintained during the course of an investigation pertaining to a student's violation of District policy concerning the use of drugs, alcohol, or tobacco are deemed pupil records. California Education Code Section 49079 requires schools to inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any misconduct as defined in Education Code Sections 48900 et seq. Such information shall be based upon any records that the District maintains in its ordinary course of business and must be accessible for review by teachers for at least three years from the date the misconduct occurs. In implementing this requirement, staff must exercise great care to protect the confidentiality of this information.

**RELATED
RESOURCES:**

Attachments A and B
BUL-3878.1, "Assisting Students with Prescribed Medication at School"
BUL-3819, "Guidelines for Student Suspension"
BUL-61, "Guidelines for Student Expulsion"
BUL-4478.0, "Opportunity Transfers Policy"

ASSISTANCE:

For assistance or further information, please contact Hector Madrigal, Director, Pupil Services, at (213) 241-3844; Lt. Jeff Crawford, School Police Department, at (213) 625-6631; or Lori Vollandt, Coordinator, Health Education Programs, at (213) 241-3508.



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ATTACHMENT A

INTERVENTION PROGRAMS, SERVICES, AND RESOURCES FOR AT-RISK STUDENTS

Intervention plays a critical role in meeting the needs of a student at risk for drugs, alcohol, or tobacco. Many strategies can be used to assist a student in changing the risky behaviors that are causing discipline and social problems and difficulties reaching academic potential. Also, several school-site, Local District, Central Office, and community services can assist schools with the problems facing these students. *It is important to remember that suspension and expulsion are not considered intervention.*

1. Some school-site programs that can assist with intervention strategies and should be considered are:
 - IMPACT
 - Student Success Teams
 - Students/Parents/Teacher Conferences
 - Tobacco Use Prevention Education (TUPE) readiness for cessation, *Tobacco Education Group (TEG)*.
 - Tobacco Use Prevention Education (TUPE) cessation programs, *Tobacco Awareness Program (TAP), I Quit, Smokeless Saturdays*.
 - Conflict-resolution programs, including peer mediation.
 - Mentoring programs

2. School-site staff who can offer intervention for at-risk students are:
 - Counselor
 - School Nurse
 - School Psychologist

3. Local District and Central Office Resources:
 - Health Education Programs (213) 241-3570
 - IMPACT Program (213) 241-3522
 - Tobacco Use Prevention Education (TUPE) (213) 241-3511
 - Project 10 (213) 241-7682
 - School Police (213) 625-6631
 - Local District Elementary Health Education Program Adviser
 - Local District Organization Facilitator
 - Suicide Prevention Unit (818) 705-7326
 - School Mental Health (213) 241-3841 or (818) 997-2640



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ATTACHMENT A

4. Community Resources:

- Smoker's Helpline 1 (800) NO-BUTTS
- American Cancer Society 1 (800) 227-2345
- American Lung Association 1 (800) 586-4872
- Nicotine Anonymous 1 (800) 642-0666
- Local Hospitals
- Poison Center—1 (800) 222-1222 (open 24 hours a day, 7 days a week)
- Alcoholics Anonymous 1 (800) 923-8722
- Al-Anon 1 (877) 769-7168
- Alateen 1 (800) 344-2666
- Probation Services (323) 298-3511
- Children's Services 1 (800) 288-4584
- Children's Hospital (323) 660-2450

5. Brochures and Other Materials Available Online:

- A Parents' Guide to Preventing Inhalant Abuse
National Inhalant Prevention Coalition
www.inhalants.org/A_Parents_Guide_To_Preventing_Inhalant_Abuse.pdf
- What Every Parent Needs to Know About Inhalant Abuse (English and Spanish)
Alliance for Consumer Education
www.inhalant.org/media/brochure_english.pdf
- Tips for Teens: The Truth About Inhalants
Substance Abuse and Mental Health Services Administration
<http://ncadi.samhsa.gov/govpubs/phd631/>
- What Parents Need to Know about Inhalants
National Capital Poison Center
www.poison.org/prevent/inhalants.asp



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ATTACHMENT B

**MATRIX FOR STUDENT EXPULSION RECOMMENDATIONS
(State Law: Applicable to School Principals)**

Category A Student Offenses with Least Principal Discretion	Category B Student Offenses with Limited Principal Discretion	Category C Student Offenses with Greatest Principal Discretion
Principal <u>must immediately</u> suspend and recommend expulsion when the following occur <u>at school or at a school Activity</u> off campus. (E.C.4 48915[c])	Principal <u>must</u> recommend expulsion when the following occur <u>at school or at a school activity</u> off campus <u>unless</u> he or she determines that the expulsion is inappropriate. E.C. 48915[a])	Principal <u>may</u> recommend expulsion when the following occur at any time, including, but not limited to, while on school grounds; while going to or coming from school; during the lunch period, whether on or off the campus; or during, or while going to or coming from, a school-sponsored activity.
1. Possessing, selling, or furnishing a firearm. E.C. 48915(c.1)	1. Causing serious physical injury to another person, except in self-defense. E.C. 48915(a.1)	1. Caused, attempted to cause, or threatened to cause physical injury to another person. E.C. 48900(a)(1) (Unless, in the case of caused, injury is serious.) 2. First offense of possession of marijuana of not more than one ounce or alcohol. 3. Offered, arranged, or negotiated to sell a controlled substance, alcohol, or intoxicant and then sold or delivered a substitute substance represented as true substance. E.C. 48900(d)
2. Brandishing a knife at another person. E.C. 48915(c.2)	2. Possession of any knife, explosive, or other dangerous object of no reasonable use to the pupil. E.C. 48915(a.2)	4. Caused, or attempted to cause damage to school or private property. E.C. 48900(f) 5. Stole or attempted to steal school or private property. E.C. 48900(g) 6. Possessed or used tobacco. E.C. 48900(h) 7. Committed an obscene act or engaged in habitual profanity or vulgarity. E.C. 48900(i)
3. Unlawfully selling a controlled substance. E.C. 48915(c.3)	3. Unlawful possession of any controlled substance, except for the first offense of less than an ounce of marijuana. E.C. 48915(a.3)	8. Possessed drug paraphernalia. E.C. 48900(j) 9. Disrupted school activities or willfully defied the valid authority of school personnel. E.C. 48900(k) 10. Knowingly received stolen school or private property. E.C. 48900(l) 11. Possessed an imitation firearm. E.C. 48900(m)
4. Committing or attempting to commit a sexual assault or committing a sexual battery (as defined in 48900[n]). E.C. 48915(c.4)	4. Robbery or extortion. E.C. 48915(a.4) 5. Assault or battery upon any school employee. E.C. 48915(a.5)	12. Engaged in harassment, threats, or intimidation against a pupil or group of pupils. E.C.48900.4*** 13. Engaged in sexual harassment. E.C. 48900.2*** 14. Attempted to cause, threatened to cause, or participated in an act of hate violence. 15. Made terrorist threats against school officials or property, or both E.C. 48900.7 16. Willfully used force or violence upon the person of another, excluding self-defense. E.C. 48900(a) (2) 17. Harassed, threatened, or intimidated a pupil who is a complaining witness or witness in a disciplinary action. E.C. 48900(o) 18. Any behavior listed in Category A or B that did <u>not</u> occur <u>on campus</u> or at <u>school activity</u> off campus. E.C. 48915(b)

* For categories B and C, the school must provide evidence of one or both of the following: (1) Other means of correction are not feasible or have repeatedly failed to bring about proper conduct, (2) Due to the nature of the act, the student’s presence causes a continuing danger to the physical safety of the pupil or others.

** E.C. Sections 48900(b), (c), (e), and (n) are not listed under Category C; they are included in Categories A and B (E.C. Section 48915).

*** Grades 4 through 12 inclusive.