

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, or marijuana as all are defined in Virginia law, while

- on the property, including building or grounds, of any public school;
- on public property or any property open to the public use within 1,000 feet of the property, including building or grounds, of any public school;
- on any school bus; or
- at any designate 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 JGD/JGE, *Student Suspension/Expulsion*. The Superintendent or Superintendent's Designee may determine, based on the facts of the particular case, that special circumstances exist and another form of discipline is appropriate. Any such disciplinary action shall 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 identified in the Albemarle County Public Schools' Behavior Management Handbook.

The School Board may require any student who has been found to have been ~~is~~ in possession of, or under the influence of drugs or alcohol on a school bus, on school property at school or at a school-sponsored activity in violation of School Board policies, activities to: (1) undergo evaluation for drug or alcohol abuse, or both, and if recommended by the evaluation and with the consent of the student's parent, to; 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 Principal ~~shall~~ reports a violation of this policy to parents and local law enforcement as required by Policy CLA, *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 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 [Section 1 and Section 11](#), subsection A above, a student with a disability may be removed without parental 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: ~~November 6, 2014~~ [update](#)
 Amended: ~~August 27, 2015; April 14, 2022~~ [update](#)
 Equity Review: ~~April 14, 2022~~ [update](#)

Legal Refs: 20 U.S.C. §§1415.

21 U.S.C. § 812.

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

8 VAC 20-81-10.

Cross Refs: CLA, *Reporting Acts of Violence and Substance Abuse*
 JFC, *Student Conduct*

JGD/JGE, *Student Suspension/Expulsion*
JGDA, *Disciplining Students with Disabilities*