

## DRUGS IN SCHOOL

### I. Generally

~~Possession of a controlled substance, imitation controlled substance or marijuana, as defined in Va. Code § 18.2-247, on school property or at a school sponsored activity is prohibited. 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 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 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 ~~or marijuana~~ onto school property or to a school-sponsored activity may be expelled in accordance with Policy JGD/JGE, *Student Suspension/Expulsion*. The Superintendent 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 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 Principal shall report 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

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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.

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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 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

Amended: August 27, 2015

Legal Refs: 20 U.S.C. §§1415~~(k)(1)(G)(ii), 1415(k)(7)(A), 1415(k)(7)(B)~~;  
21 U.S.C. § 812~~(e)~~;  
Code of Virginia, 1950, as amended, §§ 18.2-247, 18.2-250, ~~18.2-250~~<sup>1</sup>, 18.2-255.2, 22.1-277.08.  
8 VAC 20-81-10.

Commented [RH1]: Repealed

Cross Refs: ~~CLA, Reporting Acts of Violence and Substance Abuse~~  
~~JFC, Student Conduct~~  
~~JGD/JGE, Student Suspension/Expulsion~~  
~~JFC, Student Conduct~~  
~~JGDA, Disciplining Students with Disabilities~~

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