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*Rescinds Policy Number: JCDAC-R*

*Issued:*

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**Procedure for Discipline of Students**

**A. Alcoholic Beverages, Non-Alcoholic or Pseudo-Beer, Controlled Substances, Chemicals, and Drug Paraphernalia**

No student shall possess, use, distribute, sell, possess with the intent to distribute or sell, or conspire or attempt to distribute or sell, or be under the influence of any alcoholic beverage, non-alcoholic or pseudo-beer, malt beverage, fortified wine, other intoxicating liquor, any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid, drug paraphernalia, counterfeit substance, other controlled substances, any unauthorized prescription drug, or inhale or ingest any chemicals or products with the intention of bringing about a state of exhilaration, euphoria, or of otherwise altering the student's mood or behavior.

- On school property (including buildings, grounds, vehicles) before, during, or after school hours; and
- At any school-sponsored activity, function or event whether on or off school grounds (including any place where an interscholastic athletic contest is taking place).

For the purpose of the Code of Student Conduct the following definitions apply:

- (1) Possess: having the power or intent to control a prohibited substance and shall include, but is not necessarily limited to the possession of a prohibited substance in a student's automobile, locker, book-bag, or desk, or on a student's person.
- (2) Use: the consumption, injection, inhalation or absorption of a prohibited substance into a student's body by any means.
- (3) Under the influence: the use of any prohibited substance at any time or place when the prohibited substance would influence a student's mood, behavior, or learning to any degree.
- (4) Sell: the exchange of a prohibited substance for money, property, or any other benefit or item of value.
- (5) Distribute: to give, share, or pass a prohibited substance.
- (6) Possess with intent to distribute/sell: Intent to distribute or sell may be determined from the amount of the prohibited substance found, the manner in which it was packaged, the presence of packaging materials such as scales, baggies or other containers, or from statements or actions of the student that demonstrate an intent to distribute or sell.
- (7) Counterfeit Substance: any substance that is described or presented with the intention of deceiving another into believing that it is a substance prohibited under this policy.
- (8) Unauthorized Prescription Drug: Any drug or medication that has not been prescribed for the student.

**B. Periodic searches may be conducted by school officials in accordance with Policy 4342 (Search and Seizure)**

**C. The possession or proper use of a prescribed drug from a legally authorized health care provider shall not be considered a violation of the Policy when the drug is taken by the person for whom the drug was prescribed. Elementary and middle school students who have prescription drugs must turn in these drugs to the appropriate school personnel for safekeeping and dispensing.**

**D. Possession, Use, or Being Under the Influence of a Prohibited Substance Described in A. above.**

- (1) **First Offense:** Parents will be notified immediately regarding the offense and a conference scheduled. The principal will assist parent (s) or guardian (s) in setting up an assessment interview with an appropriate alcohol or drug agency at the parent conference. When a first infraction does not involve the distribution, sale, possession with intent to distribute or sell, or conspiracy or attempt to distribute or sell a substance prohibited by this policy, an alternative to long-term suspension shall be offered. This alternative shall be offered only one time to students during their school career unless the Superintendent makes an exception. The alternative shall consist of a ten (10) day suspension and shall also require participation in a corrective education and/or counseling program. The program shall be approved by the Superintendent and agreed to by the parent, guardian, student, and school principal. Failure to meet any requirements of the alternative program reactivates the long-term suspension. The student may also be prosecuted under the juvenile and criminal laws of the state.
  
- (2) **Second Offense:** The student is automatically suspended for ten (10) days. A recommendation is made to the Superintendent for long-term suspension from the regular school program for the remainder of the school year. The student shall be referred to the appropriate alcohol or drug agency for assessment, which may include an outpatient or inpatient program. Documentation of assessment shall be verified prior to the student returning to school in another school year. The student may also be prosecuted under the juvenile and criminal laws of the state.

**E. Sale or Distribution of a Prohibited Substance**

A student who has sold or distributed or has been involved in the sale or distribution of a prohibited substance in violation of this policy shall:

- Receive a ten (10) day suspension;
- Be recommended to the superintendent for long-term suspension for the remainder of the school year; and
- Be referred to an appropriate alcohol or drug program for assessment, if eligible.
- It is also recommended that the student be prosecuted under the juvenile or criminal laws of this state.

The student can be readmitted in a subsequent year if proof is provided that participation in an appropriate inpatient or outpatient alcohol or drug intervention program has been completed.

**F. Possession with Intent to Sell, Distribution, Sale, or Conspiracy to Distribute or Sell Schedule I or Schedule II Controlled Substances**

Any student who is fourteen (14) years of age or older and who distributes, sells, possesses with intent to sell, or conspires to distribute or sell any schedule I or schedule II controlled substance as defined by the North Carolina Controlled Substances Act may be expelled.

Note: Schedule I substances include, among other types, opiates; hallucinogenics such as LSD, psilocybin, and peyote; and methaqualone. Schedule II includes opium, morphine, methadone, dilaudid, cocaine, PCP, Ritalin, adderall, concerta, metadate CD, and other compounds.

Legal References: G.S. 115C-391; G.S. 90-89, 90-90