

## ALCOHOL AND OTHER DRUGS (AOD) ABUSE: REGULATIONS

### I. GOVERNING POLICY: JFCF/JFCI: ALCOHOL AND OTHER DRUGS (AOD) IN SCHOOLS

#### II. PREAMBLE

Alexandria City Public Schools (ACPS) supports substance abuse prevention and early intervention programs that vary according to individual needs. Included among these are programs to educate students about the harmful effects of illegal drugs and alcohol; the misuse of drugs and other legal substances; programs for staff in the identification of substance abuse; and activities and programs for those who desire more information and for those who need help with intervention activities and programs.

Although the primary responsibility for helping students who are involved with substance abuse lies with students and their families., ACPS strives to implement a Multi-Tiered System of Supports (MTSS) approach to providing a supportive school environment for students involved with substance use or abuse.. The Division substance abuse prevention and early intervention program may provide group experiences, individual counseling and other programming. Additionally, referral of students and parents/guardians to community agencies for assistance, at parent/guardian expense, may also occur.

#### III. PURPOSE

ACPS K-12 substance abuse prevention and early intervention services serve to support students with overcoming specific substance abuse related barriers to their education (i.e., substance use, misuse, or abuse), and fall within the scope of services provided by ACPS. This regulation:

- Outlines the ACPS Drugs in Schools Policy; and
- Outlines the methods and guidelines by which ACPS engages in substance abuse prevention and intervention activities.

#### IV. DEFINITIONS

##### A. Alcohol and other Drugs (AOD) Violations:

A **student** may not:

- possess, procure, purchase, distribute or *attempt* to possess, procure, distribute or purchase;
- be under the influence of (legal intoxication not required); or
- use or consume, or *attempt* to use or consume any of the drugs or controlled substances listed in this regulation (or what is represented by/to the student to be any of the drugs or controlled substances listed in this regulation, or what the student *believes* is any of the drugs or controlled substances in this

regulation) on school property, on school buses, or during school activities, on or off school property.

- B. **Drugs or Controlled Substances:** Include alcohol, marijuana, narcotic drugs, tobacco or tobacco products, hallucinogens, stimulants, depressants, and anything else covered by the Drug Control Act, as well as any volatile/ignitable inhalant materials and/or aerosols, e-cigarettes (including electronic or non-electronic devices/tools/materials used for vaping and juuling), anabolic steroids, look-alike drugs, drug paraphernalia, both prescription and non-prescription/non-controlled drugs if they are not taken in accordance with Policy JHCD and Regulation JHCD-R, and anything that a student represents to be a restricted substance or that a student believes is a restricted substance.
- C. **Paraphernalia:** Includes devices/tools/materials used as instruments or implements or a combination thereof intended for administering an illegal substance to self or to others. It consists of materials commonly associated with illegal drug use and distribution of controlled drugs.
- D. **Multi-Tiered System of Supports (MTSS):** a problem solving model designed to address the needs of all students that is intended as an early intervention to prevent long-term academic failure. It is a multi-step process of providing instruction and support to promote the academic and behavioral success of all students. An individual student's progress is monitored regularly by the MTSS Team and results are used to make decisions about further instruction and intervention.

When addressing potential substance abuse, it is a tiered system of early identification, data-based decision making, and implementation of evidence-based practices of appropriate intensity and duration. Tier 1: Universal Prevention, Tier 2: Selective Prevention/ Intervention, Tier 3: Targeted Intervention.

- E. **Re-entry:** Students returning to ACPS from an out of school suspension related to a violation of the Code of Conduct, or from an outside treatment program.
- F. **Substance Abuse Prevention and Intervention Counselor (SAC):** Refers to the certified substance abuse counselor who delivers counseling services regarding prevention and early intervention of substance use disorders. The SA Prevention and Intervention Counselor does not provide therapy services, but does provide substance use disorder screenings, assessments and education, and advises on possible treatment needs services, and provides referrals to external partners. The SAC also leads ACPS' drug use prevention and early educational intervention program.

## V. ACCESSING SUBSTANCE ABUSE SERVICES:

### A. Procedures

- Alcohol and illegal drug use and abuse are prohibited by the ACPS Student Code of Conduct in compliance with all applicable federal, state or local laws and ordinances.

- Any staff member reports to the relevant principal or designee any student suspected of being under the influence of drugs or alcohol or in violation of the Student Code of Conduct related to substance abuse.
- The principal or designee will determine the appropriate administrative response and/or consequences for AOD violations in adherence to Student Code of Conduct guidelines.
- ACPS K-12 Substance Abuse (SA) Services serve as an important programmatic element for substance abuse prevention, intervention, and linkage to treatment. To support ACPS' Strategic Plan goals and to:
  - Reduce the disparity in administrative consequences issued to different student groups for the same AOD-related offenses;
  - Combat the disproportionality in referrals to SA Prevention and Intervention Services for traditionally marginalized student populations;
  - Make progress toward equitable outcomes for students;
  - Ensure that students' potential substance abuse and/or other underlying issues are properly identified; and
  - Support students with appropriate interventions;

**ALL students who violate Policy JFCF/JFCI will be eligible for referral to substance abuse services.**

- K-12 Substance Abuse (SA) Prevention and Intervention Services is an internal program within the ACPS Department of Student Services. Only School administrators and Student Support Team (SST) members can refer students to the program. Administrators and SST members will follow the confidentiality and privacy practices outlined in Section VI. of this regulation. SST members include at a minimum, the school nurse, social worker, and school psychologist, as well as the student's school counselor.
- In alignment with Va. Code § 22.1-277.2:1, ACPS requires any student involved in Code of Conduct violations related to alcohol or drug use or distribution to be referred to SA Services for evaluation and/or assessment for drug or alcohol abuse or both. If recommended by the SA Counselor (SAC) and with the consent of the student's parent/guardian, the student may be referred to participate in a community-based treatment program.
- Parents or legal guardians should sign the related documentation regarding confidentiality and privacy prior to any assessment.
- Results from assessments are conveyed to the student, parents/guardians, and, upon parent/guardian authorization, the school referral source.
- Results from the assessment will be reviewed by the SST members (following privacy and confidentiality rules), who will produce a service plan to meet the student's academic, mental health and substance abuse needs.
- If the student's needs are beyond drug education, a referral for treatment or higher level care should be made upon consultation with parents/guardians and the student. ACPS does not provide substance abuse treatment. Therefore, it is the parent's/guardian's responsibility to connect the student to the services they need. In cases where parents/guardians fail to do so, ACPS may contact Child Protective Services (CPS).

## B. Tier 1 - Prevention/Education

**Prevention Campaigns and Workshops:** ACPS engages in school-wide awareness campaigns utilizing both internally and nationally developed resources. Some campaigns are implemented in collaboration with external partners. For example, the *Substance Abuse Prevention* program consists of a series of workshops providing students with the skills to prevent detrimental behaviors and attitudes following an evidence-based practice curriculum.

**Standards of Learning (SOL):** Substance abuse education is included in the Standards of Learning for the Health and Physical Education curriculum. ACPS K-12 substance abuse prevention and early intervention services support teachers in the implementation of drug education content by providing consultation and technical assistance, in collaboration with the Health and Physical Education department, to support the delivery of classroom content aligned to SOL goals related to drug education.

**Partnerships:** ACPS values networking and building partnerships to support substance abuse education at ACPS. Building collaboration with internal and external partners, such as the Substance Abuse Prevention Coalition of Alexandria (SAPCA), is essential to successfully deliver drug prevention and intervention programs. Partners help by means of technical support, consultation, funding, and more. They are essential in helping to lower costs by providing facilitators and materials for prevention programs, and in helping to increase the number of students who have access to quality prevention and intervention programs. In addition, their expertise and involvement expands the variety of programs provided to students.

## C. TIER 2, 3 - Intervention/Screening

- 1. Screening and Assessments:** ACPS provides screening and assessment with the intent to:
  - Determine whether a student has a **MILD** (low risk), **MODERATE** (medium risk) or **SEVERE** (high risk) form of substance use symptoms;
  - Determine whether a student has a full substance use disorder;
  - Provide suggestions to parents/guardians and students about the services that best meet the student's needs; and
  - Advise SST members and teachers on ways to support the student.
- 2. Alcohol and Other Drugs (AOD) Education Seminars:** ACPS provides alternative ways to assist parents/guardians and students at low risk of substance use problems. Students and parents/guardians can benefit from monthly seminars to learn about the risk factors associated with student drug use and ways to mitigate them.
- 3. Early Educational Intervention Sessions:** ACPS Substance Abuse Early Intervention is a series of sessions that educate students with detected drug involvement related problems about the causes and effects of drug use. Early

intervention focuses on helping eligible students to process their violation of the ACPS Code of Conduct related to drug use or distribution. The SAC determines the content and number of hours of educational sessions needed in each case. Treatment is not included among the services that ACPS provides.

4. **Targeted Case Management:** The ACPS short-term targeted case management service links students to services that match their needs by providing referrals to specialized services in the community (external providers). Short-term case management also includes monitoring and consultation for re-entry cases. If the student already has a therapist and attends treatment, the service will monitor and support the existing treatment and collaborate with current providers with parent/guardian consent.

## VI. CONFIDENTIALITY

- A. ACPS protects and prioritizes student confidentiality. Information sharing will be conducted in accordance with FERPA, 42 CFR Part 2, HIPAA and related regulations.

**42 CFR Part 2** governs confidentiality for those seeking treatment for substance use disorders from federally assisted programs. It:

- Applies to any program or individual that involves substance abuse education, treatment and or prevention. Any ACPS professional that provides substance use disorder screening, assessments, educational intervention or referral for treatment should observe that all records relating to the identity, diagnosis, prognosis, or treatment of any student in a substance abuse program is protected from being disclosed without the proper authorization.
- Requires any ACPS professional who wants to release substance abuse related protected information to have a written authorization by the parent/guardian, or by students above age 14. Also, the release should proceed as long as those entities have a substance abuse service provider relationship with the student. The student and parent/guardian need to be aware of the possible list of entities to which their information has been disclosed.
- Does not allow ACPS to redisclose (without express written consent) information pertaining to substance abuse education, treatment and/or prevention. A general release is not permitted.
- Allows for *mandated* disclosure of protected information where the state mandates child-abuse-and-neglect reporting, when the cause of death has been reported as relating to substance abuse, or when the disclosure is required by a court order.
- Permits disclosure of the student's identifying information in particular circumstances, including but not limited to, medical emergencies.

- B. Records Maintenance

Protecting confidentiality is critical in the ACPS substance abuse prevention and intervention program. Students have a right to privacy and have the right to feel protected

against the stigma that may cause them to avoid treatment. However, parents/guardians and agencies like the Community Services Board (CSB) or the Department of Children & Human Services (DCHS) regularly need information related to diagnosis and participation in treatment. Records should be kept observing the Family Educational Rights & Privacy Act (FERPA), 42 CFR Part 2 (Confidentiality of Substance Use Disorder Patient Records) and the Health Insurance Portability and Accountability Act (HIPAA) and related regulations.

## **VII. ACCOUNTABILITY**

### **A. Data Tracking and Reporting**

The Superintendent will provide to the School Board on an annual basis the prior school year's data reflecting all occurrences of AOD Code of Conduct violations for each school in the Division. The report will include disaggregated, demographic data for students involved in such violations, as well as the resulting administrative responses or consequences issued. This will also include student referrals for counseling and intervention services, and any referrals to law enforcement or alternative education programs. (The report will not include personally identifiable information regarding students.)

As outlined in the current Memorandum of Understanding (MOU) between the Alexandria City School Board and the Alexandria Police Department (APD), any incident in which a law enforcement officer(s) makes official contact with a student(s) will be documented, tracked and reviewed by the Office of Safety and Security Services by using the ACPS Law Enforcement Occurrence Report Form.

### **B. Training**

School-based administrators and SST members will receive training on procedures and best practices to reduce disparities when:

- Making referrals for AOD intervention services; and
- Determining appropriate consequences for AOD-related Code of Conduct violations.

Established: December 20, 2018

Revised: December 16, 2021

Legal Refs: 20 U.S.C. §1415.

21 U.S.C. § 812.

42 C.F.R. §§ 2.12 (c), 2.51.

45 C.F.R. §§ 164.502, 164.506(c), 164.512(f).

Code of Virginia, 1950, as amended, §§ 16.1-305.1, 18.2-247, 18.2-250, 18.2-255.2, 22.1-78, 22.1-277.08.

8 VAC 20-81-10.

Cross Refs.:	CLA	Reporting Acts of Violence and Substance Abuse
	GAE	Child Abuse and Neglect Reporting
	IGAG	Teaching About Drugs, Alcohol and Tobacco
	JFC	Student Conduct
	JFCF /JFCI	Alcohol and other Drugs (AOD) in Schools
	JGD/JGE	Student Suspension/Expulsion
	JGD-R/JGE-R	Student Suspension/Expulsion Regulations
	JGDA	Disciplining Students with Disabilities
	JHCD	Administering Medications to Students
	JHCD-R	Regulations for the Administration of Medications to Students
	JHG	Child Abuse and Neglect Reporting
	JO	Student Records