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A. Drug Abuse1. Generally

As one of its major tasks, the school is responsible for providing a safe and healthy environment conducive to wholesome living and effective learning. To help provide such an environment, at a time when drug abuse is a serious social and health problem, the school board hereby establishes policies and procedures relative to drug abuse in the schools and on school property. This is necessary so that all school personnel (students as well as employees), local health agencies, local law enforcement officials, parents, and citizens of the community are aware of the role the school will play in any situation involving the possession of drugs with or without the intent to distribute and/or use at school.

2. Exemption

All students who take prescription medicine at school are required to furnish written permission from a parent/guardian and physician stating type, dosage, and duration of treatment.

3. Counseling Students

It should be the duty of every school to provide counseling on the use of drugs and report to the superintendent immediately any distribution and use of illegal drugs while on school property.

B. Sale, Distribution, Possession, and/or Use of Illegal Drugs or Look-alike Drugs

Any student apprehended selling, distributing, possessing using and/or under the influence of illegal or controlled drugs or look-alike drugs on school property shall be subject to the following disciplinary procedures:

1. Notification of the superintendent's office and immediate suspension from school (pursuant to Policy 7-19); and
2. Notification of the police when illegal drugs or look-alike drugs are discovered on the school grounds, and the drugs will be turned over to the police; and
3. Recommendation by the school principal to the superintendent for suspension from school for a minimum of 365 calendar days from the date of the violation, expulsion from school, or alternative educational placement (pursuant to Policy 7-19); and
4. Referral to the Family Assessment and Planning Team.

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The superintendent may recommend to the school board any combination of the school official's recommendations as outlined in numbers three and four above.

C. Alcohol

The use or possession of alcoholic beverages is strictly prohibited on school premises, at all school events, and while going to or from school. Any student apprehended using or possessing or under the influence of alcohol shall be subject to the following disciplinary procedures:

1. Notification of the superintendent's office and immediate suspension from school (pursuant to Policy 7-19); and
2. Notification of the police when alcohol is discovered on the school grounds, and the alcohol shall be turned over to the police; and
3. Recommendation by the school principal to the superintendent for suspension from school for a minimum of 365 calendar days from the date of the violation, expulsion from school, or alternative educational placement (pursuant to Policy 7-19); and
4. Referral to the Family Assessment and Planning Team.

The superintendent may recommend to the school board any combination of the school official's recommendations as outlined in numbers three and four above.

Legal Reference:

Code of Va., §§ 4.1-309 Drinking or possessing alcoholic beverages in or on public school grounds; penalty A. No person shall possess or drink any alcoholic beverage in or upon the grounds of any public elementary or secondary school during school hours or school or student activities.

B. In addition, no person shall drink and no organization shall serve any alcoholic beverage in or upon the grounds of any public elementary or secondary school after school hours or school or student activities, except for religious congregations using wine for sacramental purposes only.

C. Any person convicted of a violation of this section shall be guilty of a Class 2 misdemeanor.

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D. This section shall not prohibit any person from possessing or drinking alcoholic beverages or any organization from serving alcoholic beverages in areas approved by the Board at a performing arts center owned by any city having a population between 100,000 and 105,000, provided the organization operating the performing arts center or its lessee has a license granted by the Board. (1997)

Code of Va., §15.2-2801. Statewide regulation of smoking. A. The Commonwealth or any agency thereof and every locality shall provide reasonable no-smoking areas, considering the nature of the use and the size of the building, in any building owned or leased by the Commonwealth or any agency thereof or a locality. The provisions of this chapter shall not apply to office, work or other areas of the Department of Corrections which are not entered by the general public in the normal course of business or use of the premises.

B. Smoking shall be prohibited in (i) elevators, regardless of capacity, except in any open material hoist elevator, not intended for use by the public; (ii) public school buses; (iii) the interior of any public elementary, intermediate, and secondary school; however, smoking may be allowed by a local school division in a designated area which is not a common area, including but not limited to, a classroom, library, hallway, restroom, cafeteria, gymnasium, or auditorium after regular school hours so long as all student activities in the building have been concluded; (iv) hospital emergency rooms; (v) local or district health departments; (vi) polling rooms; (vii) indoor service lines and cashier lines; (viii) public restrooms in any building owned or leased by the Commonwealth or any agency thereof; (ix) the interior of a child day center licensed pursuant to §63.1-196 that is not also used for residential purposes; however, this prohibition shall not apply to any area of a building not utilized by a child day center, unless otherwise prohibited by this chapter; and (x) public restrooms of health care facilities.

C. Any restaurant having a seating capacity of fifty or more persons shall have a designated no-smoking area sufficient to meet customer demand. In determining the extent of the no-smoking area, the following shall not be included as seating capacity: (i) seats in any bar or lounge area of a restaurant and (ii) seats in any separate room or section of a restaurant which is used exclusively for private functions.

D. The proprietor or other person in charge of an educational facility, except any public elementary, intermediate, or secondary school, health care facility, or a retail establishment of 15,000 square feet or more serving the general public, including, but not limited to, department stores, grocery stores, drug stores, clothing stores, shoe stores, and recreational facilities shall designate reasonable no-smoking areas, considering the nature of the use and the size of the building.

E. The proprietor or other person in charge of a space subject to the provisions of this chapter shall post signs conspicuous to public view stating "Smoking Permitted" or "No Smoking," and in restaurants, signs conspicuous to ordinary public view at or near each

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public entrance stating "No-Smoking Section Available." Any person failing to post such signs may be subject to a civil penalty of not more than twenty-five dollars.

F. No person shall smoke in a designated no-smoking area and any person who continues to smoke in such area after having been asked to refrain from smoking may be subject to a civil penalty of not more than twenty-five dollars.

G. Any law-enforcement officer may issue a summons regarding a violation of this chapter.

H. The provisions of this chapter shall not be construed to regulate smoking in retail tobacco stores, tobacco warehouses or tobacco manufacturing facilities.

Code of Va., § 16.1-278.9. Delinquent children; loss of driving privileges for alcohol and drug offenses. A. If a court has found facts which would justify a finding that a child at least thirteen years of age at the time of the offense is delinquent and such finding involves (i) a violation of §18.2-266 or of a similar ordinance of any county, city or town, (ii) a refusal to take a blood or breath test in violation of §18.2-268.2, (iii) a felony violation of §§18.2-248, 18.2-248.1 or §18.2-250, (iv) a misdemeanor violation of §§18.2-248, 18.2-248.1, or §18.2-250 or a violation of §18.2-250.1, (v) the unlawful purchase or possession of alcohol in violation of §4.1-305 or the unlawful drinking or possession of alcoholic beverages in or on public school grounds in violation of §4.1-309, (vi) public intoxication in violation of § 18.2-388 or a similar ordinance of a county, city or town, or (vii) the unlawful use or possession of a handgun or possession of a "streetsweeper" as defined below, the court shall order that the child be denied a driver's license. In addition to any other penalty authorized by this section, if the offense involves a violation designated under clause (i) and the child was transporting a person seventeen years of age or younger, the court shall impose the additional fine and order community service as provided in § 18.2-270. If the offense involves a violation designated under clause (i), (ii), or (iii), the denial of a driver's license shall be for a period of one year or until the juvenile reaches the age of seventeen, whichever is longer, for a first such offense or for a period of one year or until the juvenile reaches the age of eighteen, whichever is longer, for a second or subsequent such offense. If the offense involves a violation designated under clause (iv), (v), or (vi) the denial of driving privileges shall be for a period of six months unless the offense is committed by a child under the age of sixteen, in which case the child's ability to apply for a driver's license shall be delayed for a period of six months following his sixteenth birthday. If the offense involves a violation designated under clause (i), (ii), (v), or (vi), the court shall impose the license sanction without entering a judgment of guilt and shall defer disposition of the delinquency charge until such time as the court disposes of the case pursuant to subsection F of this section. If the offense involves a violation designated under clause (iii) or (iv), the court shall impose the license sanction and shall dispose of the delinquency charge pursuant to the provisions of this chapter or §18.2-251. If the offense involves a violation designated under clause (vii), the denial of driving privileges

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shall be for a period of not less than thirty days, except when the offense involves possession of a concealed handgun or a striker 12, commonly called a "streetsweeper," or any semi-automatic folding stock shotgun of like kind with a spring tension drum magazine capable of holding twelve shotgun shells, in which case the denial of driving privileges shall be for a period of two years unless the offense is committed by a child under the age of sixteen, in which event the child's ability to apply for a driver's license shall be delayed for a period of two years following his sixteenth birthday.

B. Any child who has a driver's license at the time of the offense shall be ordered to surrender his driver's license, which shall be held in the physical custody of the court during any period of license denial.

C. The court shall report any order issued under this section to the Department of Motor Vehicles, which shall preserve a record thereof. The report and the record shall include a statement as to whether the child was represented by or waived counsel. Notwithstanding the provisions of Article 12 (§16.1-299 et seq.) of this chapter or the provisions of Title 46.2, this record shall be available only to all law-enforcement officers, attorneys for the Commonwealth and courts. No other record of the proceeding shall be forwarded to the Department of Motor Vehicles unless the proceeding results in an adjudication of guilt pursuant to subsection F.

The Department of Motor Vehicles shall refuse to issue a driver's license to any child denied a driver's license until such time as is stipulated in the court order or until notification by the court of withdrawal of the order of denial under subsection E.

D. If the finding as to the child involves a violation designated under clause (i), (ii), (iii), or (vi) of subsection A, the child may be referred to a certified alcohol safety action program in accordance with §18.2-271.1 upon such terms and conditions as the court may set forth. If the finding as to such child involves a violation designated under clause (iii), (iv), (v) or (vii) of subsection A, such child may be referred to appropriate rehabilitative or educational services upon such terms and conditions as the court may set forth. The court, in its discretion and upon a demonstration of hardship, may authorize the use of a restricted permit to operate a motor vehicle by any child who has a driver's license at the time of the offense for any of the purposes set forth in subsection E of §18.2-271.1 or for travel to and from school, except that no restricted license shall be issued if the finding as to such child involves a violation designated under clause (iii) or (iv) of subsection A, or if it involves a second or subsequent violation of any offense designated in subsection A. The issuance of the restricted permit shall be set forth within the court order, a copy of which shall be provided to the child, and shall specifically enumerate the restrictions imposed and contain such information regarding the child as is reasonably necessary to identify him. The child may operate a motor vehicle under the court order in accordance with its terms. Any child who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be guilty of a violation of §46.2-301.

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E. Upon petition made at least ninety days after issuance of the order, the court may review and withdraw any order of denial of a driver's license if for a first such offense. For a second or subsequent such offense, the order may not be reviewed and withdrawn until one year after its issuance.

F. If the finding as to such child involves a violation designated under clause (i), (ii), (v), (vi) or (vii) of subsection A, upon fulfillment of the terms and conditions prescribed by the court and after the child's driver's license has been restored, the court shall or, in the event the violation resulted in the injury or death of any person, may discharge the child and dismiss the proceedings against him. Discharge and dismissal under these provisions shall be without an adjudication of guilt but a record of the proceeding shall be retained for the purpose of applying this section in subsequent proceedings. Failure of the child to fulfill such terms and conditions shall result in an adjudication of guilt. If the finding as to such child involves a violation designated under clause (iii) or (iv) of subsection A, the charge shall not be dismissed pursuant to this subsection but shall be disposed of pursuant to the provisions of this chapter or § 18.2-251. (1997)

Code of Va., § 18.2-247. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V and VI" and "imitation controlled substance" in Title 18.2. Use of terms "controlled substances," "marijuana," "Schedules I, II, III, IV, V and VI" and "imitation controlled substance" in Title 18.2 A. Wherever the terms "controlled substances," "marijuana" and "Schedules I, II, III, IV, V and VI" are used in Title 18.2, such terms refer to those terms as they are used or defined in the Drug Control Act, Chapter 34 of Title 54.1.

B. The term "imitation controlled substance" when used in this article means a pill, capsule, tablet, or substance in any form whatsoever which is not a controlled substance subject to abuse, and:

1. Which by overall dosage unit appearance, including color, shape, size, marking and packaging or by representations made, would cause the likelihood that such a pill, capsule, or tablet will be mistaken for a controlled substance unless such substance was introduced into commerce prior to the initial introduction into commerce of the controlled substance which it is alleged to imitate; or

2. Which by express or implied representations purports to act like a controlled substance as a stimulant or depressant of the central nervous system and which is not commonly used or recognized for use in that particular formulation for any purpose other than for such stimulant or depressant effect, unless marketed, promoted, or sold as permitted by the United States Food and Drug Administration.

C. In determining whether a pill, capsule, tablet, or substance in any other form whatsoever, is an "imitation controlled substance," there shall be considered, in addition

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to all other relevant factors, comparisons with accepted methods of marketing for legitimate nonprescription drugs for medicinal purposes rather than for drug abuse or any similar nonmedicinal use, including consideration of the packaging of the drug and its appearance in overall finished dosage form, promotional materials or representations, oral or written, concerning the drug, and the methods of distribution of the drug and where and how it is sold to the public.

Code of Va., § 18.2-255. Distribution of certain drugs to persons under eighteen prohibited. A. Except as authorized in the Drug Control Act, Chapter 34 of Title 54.1, it shall be unlawful for any person who is at least eighteen years of age to knowingly or intentionally (i) distribute any drug classified in Schedule I, II, III or IV or marijuana to any person under eighteen years of age who is at least three years his junior or (ii) cause any person under eighteen years of age who is at least three years his junior to assist in such distribution of any drug classified in Schedule I, II, III or IV or marijuana. Any person violating this provision shall upon conviction be imprisoned in a state correctional facility for a period not less than ten nor more than fifty years, and fined not more than \$100,000. Five years of the sentence imposed shall not be suspended, in whole or in part for a conviction under this section involving a Schedule I or II controlled substance or one ounce or more of marijuana. Two years of the sentence imposed shall not be suspended, in whole or in part, for a conviction involving less than one ounce of marijuana.

B. It shall be unlawful for any person who is at least eighteen years of age to knowingly or intentionally (i) distribute any imitation controlled substance to a person under eighteen years of age who is at least three years his junior or (ii) cause any person under eighteen years of age who is at least three years his junior to assist in such distribution of any imitation controlled substance. Any person violating this provision shall be guilty of a Class 6 felony. (1997)

Code of Va., § 18.2-255.2. Prohibiting the sale of drugs on or near certain properties. Prohibiting the sale of drugs on or near certain properties "A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substance, imitation controlled substance or marijuana while (i) upon the property, including buildings and grounds, of any public or private elementary, secondary, or post secondary school, or any public or private two-year or four-year institution of higher education; (ii) upon public property or any property open to public use within 1,000 feet of such school property; (iii) on any school bus as defined in § [46.2-100](#); (iv) upon a school bus stop, or upon either public property or any property open to public use which is 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; (v) upon the property, including buildings and grounds, of any publicly owned or publicly operated recreation or community center facility or any public library; or (vi) upon the property of any state hospital as defined in § [37.1-1](#) or upon public property or property open to public use

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within 1,000 feet of such an institution. Nothing in this section shall prohibit the authorized distribution of controlled substances.

B. Violation of this section shall constitute a separate and distinct felony. Any person violating the provisions of this section shall, upon conviction, be imprisoned for a term of not less than one year nor more than five years and fined not more than \$100,000. However, if such person proves that he sold such controlled substance or marijuana only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance or marijuana to use or become addicted to or dependent upon such controlled substance or marijuana, he shall be guilty of a Class 1 misdemeanor.

C. If a person commits an act violating the provisions of this section, and the same act also violates another provision of law that provides for penalties greater than those provided for by this section, then nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or the imposition of any penalties provided for thereby."

Code of Va., §22.1-277.01 Expulsion of students for certain drug offenses

"A. School boards shall expel from school attendance any student whom such school board has determined, in accordance with the procedures set forth in § 22.1-277, to have brought a controlled substance, imitation controlled substance, or marijuana as defined in § [18.2-247](#) onto school property or to a school-sponsored activity. A school board may, however, determine, based on the facts of the particular case, that special circumstances exist and another disciplinary action is appropriate. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in § 22.1-277.

B. Each school board shall revise its standards of student conduct to incorporate the requirements of this section no later than three months after the date on which this act becomes effective."

Adopted by School Board: November 21, 1972
 Revised by School Board: November 20, 1973
 Revised by School Board: September 17, 1974
 Revised by School Board: September 7, 1976
 Revised by School Board: July 8, 1986

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Revised by School Board: August 9, 1988

Revised by School Board: August 1, 1989

Revised by School Board: August 2, 1994

Revised by School Board: October 3, 1995

Revised by School Board: March 16, 1999