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LOS ANGELES UNIFIED SCHOOL DISTRICT
Office of the Senior Deputy Superintendent, Educational Services

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SUBJECT: BULLETIN NO. Z-73
PREVENTIVE MEASURES AND
MANDATORY PROCEDURES
FOR STUDENTS WHO VIOLATE
LAWS REGARDING DRUGS,
ALCOHOL, AND TOBACCO

ROUTING

Local District Superintendents
Local District School Support
Directors and Operations
Coordinators
Principals

DATE: November 12, 2002

DIVISION: Student Health and Human Services

APPROVED: MARIA REZA, Assistant Superintendent

For further information, please call Hector Madrigal, Director, Pupil Services, at (213) 763-8307; Arturo Valdez, Director, Integrated Health and Human Services, at (213) 763-8315; or Lt. Jeff Crawford, School Police Department, at (213) 625-6631.

This bulletin replaces Bulletin No. P-11, "Implementing Zero-Tolerance Policies for Drug-, Alcohol-, and Tobacco-Free Schools and Workplaces," dated September 13, 1996, issued by the Office of the Deputy Superintendent. The content has been updated to reflect changes in the Education Code and federal and state regulations affecting this subject matter. Furthermore, this revision is restricted in scope to student violations. Policy and procedures regarding employees of the Los Angeles Unified School District ("District") and workplaces, both of which are addressed in Bulletin No. P-11, remain in effect. A separate bulletin will soon be issued dealing with those two categories.

I. INTRODUCTION

The use of drugs, alcohol, and tobacco is damaging the lives of too many adults and young people, and will damage the very fabric of our democratic institutions in the near future, unless all of us—teachers, parents, administrators, support personnel, students, classified staff, School Police, and community members—join forces to combat it with positive, workable approaches.

II. PURPOSE

The purpose of this bulletin is to provide school administrators and other school personnel with information regarding state and federal laws as they relate to maintaining drug-, alcohol-, and tobacco-free schools throughout the District.

The policies and procedures set forth in this bulletin are applicable to all schools and all educational, health, safety, and after-school programs within the District. All schools shall incorporate into their respective school safety plans policies and procedures relating to student possession or use of drugs, alcohol, and/or tobacco. A school governance or decision-making council may develop an internal policy relating to student possession or use of drugs, alcohol, and tobacco on condition that said policy is consistent with federal and state laws and the policies set

forth herein. A school that elects not to develop an internal policy shall incorporate the provision of this bulletin into its school safety plan.

III. LEGAL AUTHORITY

A. Federal Law

Title IV of the Safe and Drug-Free Schools and Communities Act imposes certain legal mandates upon the District to ensure that schools are kept safe and are free from drugs, alcohol, and tobacco. The purpose of Title IV is to enable local educational agencies to implement programs to prevent violence and the illegal use of drugs, alcohol, and tobacco in their schools and to seek parent and community involvement in such programs in order to provide a safe learning environment in which students can achieve academic success.

Failure to adhere to the legal mandates imposed by Title IV may result in the District being ineligible for federal funding. As a condition of receiving federal funds, the District is required to adopt and fully implement policies and instructional programs that focus on the prevention or curtailment of the use of drugs, alcohol, and tobacco by students. In addition, Title IV of the Safe and Drug-Free Schools and Communities Act was amended by the No Child Left Behind Act (NCLB) of 2001. NCLB added the Pro-Children Act of 2001, which mandates that school districts prohibit smoking in buildings owned or operated by school districts. Failure to adhere to the Pro-Children Act of 2001 may result in the issuance of an administrative compliance order and imposition of a fine not to exceed \$1,000 per violation.

B. State Law

California Education Code Sections 48901 and 48900(h) prohibit students from using or smoking tobacco or other products containing tobacco or nicotine while on school grounds, on their way to or from school, during the lunch hour, or attending school-sponsored activities. California law also prohibits students from possessing, using, or selling drugs or alcohol while on school grounds, on their way to or from school, during the lunch hour, or attending a school-sponsored activity (Education Code Section 48900[c]).

IV. POLICY ON MANDATED PROCEDURES

A. History

In the 1980s, the Los Angeles Unified School District, and many other districts, established “zero-tolerance” policies that were intended to deter and address any student violations relating to weapons, drugs, alcohol, or tobacco. Subsequently, the concept of “zero tolerance” has been refined by legislative and legal authorities to ensure that, although districts have the right to establish “zero-tolerance” policies, students who are subject to such policies should not suffer punitive or harsh disciplinary consequences such as expulsion without being afforded due process. By this bulletin, the District aligns, its “zero-tolerance” policy and procedures relating to drugs, alcohol, and tobacco on school campuses, with state and federal laws.

B. New Mandatory Procedures.

The Los Angeles Unified School District does not tolerate the use, possession, or sale of drugs, alcohol, or tobacco by students on school campuses or at school-sponsored activities. School administrators must take immediate action to prevent, discourage, and eliminate the use or

possession of drugs, alcohol, and tobacco on campus and at school activities. School administrators should use a variety of measures to address these issues, including education, intervention, and discipline. The disciplining of students who possess, use, or sell drugs, alcohol, or tobacco must be in accordance with District policies concerning suspensions, opportunity transfers, and expulsions. In determining the type of disciplinary action to be taken against a student for the possession, use, or sale of drugs, alcohol, or tobacco, administrators must consider each violation on a case-by-case basis, as required by state and federal laws and District policies (see Sections VI and VII below).

V. PREVENTION INSTRUCTION, INTERVENTION, AND RESOURCES

A. Prevention Instruction

School administrators are responsible for ensuring that all students enrolled in Grades K–12 are provided with integrated and coordinated programs. These programs should be based on student needs and educationally sound and legally acceptable educational practices. Furthermore, these programs should be age-appropriate and developmentally based and provide instruction for all students regarding the prevention or reduction of the use of drugs, alcohol, and tobacco.

Education Code Section 51210 requires that students enrolled in Grades 1–6 receive general health education courses. Education Code Section 51260 requires that drug education be incorporated into the students' general health courses. In Grades 7 through 12, students shall receive instruction on drug education that must be conducted in conjunction with courses given on health or in any appropriated area of study. California Health and Safety Code Section 11998 requires that students enrolled in K through 12 receive drug- and tobacco-abuse education. The California Department of Education recommends that, for the instruction to be effective, public schools allocate a minimum of 6 to 10 hours per year on drug, alcohol, and tobacco abuse and violence prevention. A new reference guide on this subject will be forthcoming. Please contact the Health Education Programs Office at (213) 625-6411 for assistance on the implementation of such programs.

B. Intervention

Schools must provide intervention services for all students who need them. Some suggested intervention strategies are listed in Attachment A.

C. Resources

Attachment A also lists programs and services related to drug, alcohol, and tobacco abuse that are available within the District and in the community.

VI. GUIDELINES FOR DISCIPLINARY ACTIONS

- A. The purpose of District policy regarding student misconduct involving controlled substances, alcohol, and tobacco is to maintain safe and drug-, alcohol-, and tobacco-free schools, as well as to provide programs and services that reduce and curtail student drug use. For each incident of drug use, many factors need to be considered to determine the appropriate action.
- B. In accordance with state and federal law, whenever possible, positive, nonpunitive interventions that are designed to help the student shall be used. In other words, the initial administrative

response to drug offenses shall be to address the psychoeducational needs of the student. Parent conferences and referrals to school-based interventions, such as the IMPACT program, and community-based programs must be considered.

VII. EXPULSION AS A DISCIPLINARY ACTION

Expulsion is the most serious disciplinary action a school district can take against a student. In instances of drug offenses, a principal may wish to use expulsion. Attachment B, "Matrix for Student Expulsion Recommendations," summarizes the violations for which a principal may or must recommend expulsion for a student. The matrix also describes how much discretion a principal has, and when. When using the matrix, administrators should note the following:

- A. Expulsion is required for any student who engages in the unlawful sale of a controlled substance while at school or at a school activity off campus (Category I, No. 3, on Matrix).
- B. A student in unlawful possession of any controlled substance at school or at a school-sponsored activity, whether on or off campus, may be expelled (Category II, No. 3)
- C. All other student offenses regarding controlled substances, alcohol, or tobacco are addressed in the Matrix under Category III (Nos. 2, 3, 6, and 8).
- D. The offenses enumerated in Category III of the Matrix are violations of the Education Code and may result in expulsion. However, since expulsion is the most serious disciplinary action the District may take against a student, it is almost always reserved for the more severe and dangerous violations.
- E. In addition to regulations cited in the Matrix, Education Code Sections 48915 (b) and (e) prohibit expulsion for offenses enumerated in Categories II and III of the Matrix, including those involving violations of regulations on controlled substances, alcohol, or tobacco, unless and only if the school can show one or more of the following:
 1. Other means of correction have repeatedly failed to bring about proper conduct.
 2. Other means of correction are not feasible.
 3. The student's presence causes a continuing danger to others or to himself or herself.

For information regarding the need for or the appropriateness of expulsion, administrators may call the Student Discipline Proceedings Office at (213) 625-4166. For detailed explanations of state and federal mandates and District policies regarding student use of drugs, alcohol, or tobacco, administrators should refer to the following District bulletins on student expulsion, student suspension, and opportunity transfers:

Bulletin No. Z-14, "Guidelines for Student Suspension," Division of Student Health and Human Services, March 15, 1999.

Bulletin No. 61, "Guidelines for Student Expulsion," Office of the Deputy Superintendent, April 11, 1994 (currently under revision).

Bulletin No. Z-58, "Opportunity Transfers," Office of Student Health and Human Services, April 20, 1999.

VIII. JOINT RESPONSIBILITIES OF SCHOOL POLICE AND ADMINISTRATORS

- A. School Police will patrol District campuses and properties, as well as surrounding communities, for drug, alcohol, and tobacco violations involving District students.
- B. School Police will coordinate with school staff in maintaining records on drug and alcohol use and sales in the schools for the purpose of evaluating and improving prevention efforts.
- C. School administrators must notify School Police when a student is found in possession of alcohol or illicit drugs.
- D. School administrators must notify School Police when a student is suspected of being under the influence of drugs or alcohol. The school police officer or Drug Recognition Expert (DRE) dispatched to the school site will assess the student to determine if the student is under the influence of drugs or alcohol, or if some other medical reason exists to justify the student's condition.
- E. School Police may arrest or cite a student who is found in possession of drug paraphernalia.

IX. PRESCRIBED AND OVER-THE-COUNTER MEDICATIONS

- A. Students may take prescribed medication and over-the-counter drugs during school hours provided that the appropriate District forms for such purposes are completed, signed, and on file. The purpose of this policy is twofold: to establish a safe and effective means whereby students may take needed medication at school and to ensure that the protection of all students will be maintained.
- B. Students who are required to take physician-prescribed or over-the-counter medication during the regular school day shall be provided assistance by the school nurse or other designated school personnel. All approved medications must be housed in the school nurse's office along with the appropriate District forms for authorization signed by both the physician and the parent or guardian; however, it would be preferable if physicians could establish a medication schedule that would eliminate or minimize the need for a student to take medication during school hours. Parents or guardians should be urged to ask their physician to consider such a schedule.
- C. With the written opinion of the parent, physician, and school nurse that a student is physically, mentally, and behaviorally capable of assuming the responsibility for self-administering the medication, the student may be allowed to carry prescribed medications, such as inhalers, epi-pens, glucagons, or other medications when the medications are needed to prevent possible life-threatening emergencies.

If a student has a medication that has not been authorized, the school nurse or Field Nursing Services Coordinator should be notified to determine if the medication puts the student at risk for a life-threatening emergency. The appropriate authorization for the administration of medication at school should be discussed with the parent/guardian.

- D. For further information, administrators should refer to Bulletin No. Z-19 (Rev.), "Assisting Students With Prescribed Medication at School," issued by the Student Health and Human

Services Division, or call the Director, Student Medical Services, at (213) 763-8342, or the Director, District Nursing Services, at (213) 763-8374.

X. CONFIDENTIALITY OF STUDENT RECORDS

Pupil records are confidential and should only be disclosed in a manner that complies with Federal and State laws. Documents generated, obtained, or maintained during the course of an investigation pertaining to a student's violation of District policy concerning the use of drugs, alcohol, or tobacco are deemed pupil records. California Education Code Section 49079 requires schools to inform the teacher of each pupil who has engaged in, or is reasonably suspected to have engaged in, any misconduct as defined in Education Code Sections 48900 et seq.. Such information shall be based upon any records that the District maintains in its ordinary course of business and must be accessible for review by teachers for at least three years from the date the misconduct occurs. In implementing this requirement, great care must be exercised to protect the confidentiality of this information.

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LOS ANGELES UNIFIED SCHOOL DISTRICT
Student Health and Human Services

BULLETIN NO. Z-73
November 12, 2002

ATTACHMENT A

**INTERVENTION PROGRAMS, SERVICES, AND RESOURCES FOR
AT-RISK STUDENTS**

Intervention plays a critical role in meeting the needs of a student at risk for drugs, alcohol, or tobacco. Many strategies can be used to assist a student in changing the risky behaviors that are causing discipline and social problems and creating difficulties in reaching their academic potential. Also, several school-site, Local District, Central Office, and community services can assist schools overcome the problems facing these students. *It is important to remember that neither suspension nor expulsion is considered an intervention.*

1. Some school-site programs that can assist with intervention strategies and should be considered are:
 - IMPACT.
 - Student Success Teams.
 - Students/Parents/Teacher Conferences.
 - Tobacco Use Prevention Education (TUPE) readiness for cessation, *Tobacco Education Group (TEG)*.
 - Tobacco Use Prevention Education (TUPE) cessation programs, *Tobacco Awareness Program (TAP)*, *I Quit*, *Smokeless Saturdays*.
 - Conflict-resolution programs, including peer mediation.
 - Mentoring programs.
2. School-site resources (or “personnel”) that can offer intervention for at-risk students are:
 - Counselor.
 - School Nurse.
 - School Psychologist.
3. Local District and Central Office Resources:
 - Health Education Programs (213) 625-6411.
 - IMPACT Program (213) 625-6411 or 5218.
 - Tobacco Use Prevention Education (TUPE) (213) 625-6411 or 5601.
 - Project 10 (213) 625-6411.
 - School Police (213) 625-6631.
 - Local District Elementary Health Education Program Adviser.
 - Local District Organization Facilitator.
 - Suicide Prevention Unit (818) 705-7326.
 - School Mental Health (213) 763-7453 or (818) 997-2640.
4. Community Resources:
 - Smoker’s Helpline (800) NO-BUTTS.
 - American Lung Association (800) 586-4872.
 - Nicotine Anonymous (800) 642-0666.
 - Local Hospitals.
 - Alcoholics Anonymous (866) 547-4673.
 - Al-Anon (877) 769-7167.
 - Alateen (888) 684-64444.
 - Probation Services (323) 298-3511.
 - Children’s Services (800) 288-4584.
 - Blue Cross/Blue Shield (800) 777-6000.
 - Children’s Hospital (323) 660-2450.