

***NEWLY PROPOSED REGULATIONS**

ALCOHOL AND OTHER DRUGS (AOD) ABUSE: REGULATIONS

I. PREAMBLE

The primary responsibility for helping students who are involved with substance abuse lies with students and their parents. Nevertheless, the School Board 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. As such, the School Board 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 need help with intervention activities and programs. The Division substance abuse prevention and early intervention program may provide group experiences, individual counseling and other programming. Additionally, referral of students and parents to community agencies for assistance, at parental expense, may also occur.

II. 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.

III. DEFINITIONS

A. Alcohol and other Drugs Violations:

1. A student shall not possess, use, and/or distribute alcohol, tobacco and/or tobacco products, or other drugs on school property, on school buses, or during school activities, on or off school property. This includes, but may not be limited to, smokeless tobacco, e-cigarettes, anabolic steroids, look-alike drugs, drug paraphernalia, and any prescription or non-prescription drugs not possessed or used in accordance with Policy JHCD.
2. A student shall not:
 - possess, procure, purchase or *attempt* to possess, procure, or purchase;
 - be under the influence of (legal intoxication not required);
 - use or consume, or *attempt* to use or consumeany of the restricted substances listed in this regulation (or what is represented by/to the student to be any of the restricted substances listed in this regulation, or what the student *believes* is any of the restricted substances in this regulation).

- B. **Drugs or Controlled Substances:** Include alcoholic drinks, 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, 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.

IV. 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 shall report 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 relevant principal or designee will determine the sanction and referral to the ACPS K-12 substance abuse prevention and intervention 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 substance abuse (SA) prevention and intervention program. They should follow confidentiality and privacy practices outlined in the confidentiality section (VI.) of this document. ACPS SST members include at a minimum, the school nurse, social worker, and school psychologist, as well as the student's school counselor.
- Students involved in a violation of the Code of Conduct related to drug use or distribution should be referred for a substance abuse screening or assessment to determine their level of need for services.
- 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 should be discussed by the SST members (following privacy and confidentiality rules), which should produce a service plan to meet the student's academic, mental health and substance abuse needs.
- If the parents/guardians or student decline the offered ACPS services, it is the parents'/guardians' responsibility to connect the student to the needed services.
- 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 he/she needs. 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 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: APCS 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.

D. 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.

V. CONFIDENTIALITY

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.

Established:

Legal Refs: 20 U.S.C. §§1415(k)(1)(G)(ii), 1415(k)(7)(A), 1415(k)(7)(B).
21 U.S.C. § 812(c).

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, 18.2-250.1, 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
IGAG Teaching About Drugs, Alcohol and Tobacco

JFC	Student Conduct
JFC-R	Standards of Student Conduct
JFCF /JFCI	Alcohol and Drugs in Schools
JGD/JGE	Student Suspension/Expulsion
JGD-R/JGE-R	Student Suspension/Expulsion Regulations
JGDA	Disciplining Students with Disabilities
JHCD	Administration of Medications to Students
JHCD-R	Regulations for the Administration of Medications to Students
JHG	Child Abuse and Neglect Reporting
JO	Student Records

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