



Special Education Advisory Committee

Draft Policy 7554

EMPLOYEE RESPONSIBILITY CONCERNING STUDENT ALCOHOL AND DRUG USAGE

Review and Recommendations Summary

December 7, 2022

Prepared For:
SEAC Membership
Special Education Community
Loudoun County School Board

Overview: Policy 7554

EMPLOYEE RESPONSIBILITY CONCERNING STUDENT ALCOHOL AND DRUG USAGE

The Loudoun County School Board is committed to maintaining a safe, drug- and alcohol-free learning environment. All LCPS employees have a responsibility to promote a safe and drug- and alcohol-free learning environment that encourages healthy decision-making and resiliency skills. School Board Policy 8240 defines illegal drugs, alcohol, tobacco, and electronic cigarettes and provides specific details on these.

SEAC is concerned with the rewording of this policy shifting to a punitive mindset rather than a support and problem-solving mindset. The proposed changes in draft policy 7554 are written to be punitive, focused on the drugs, catching the student in an illegal activity, instead of student centered with a focus on the needs of the student. It does not align with the goals of the One LCPS 2027 Strategic Plan and is not consistent with other LCPS policies.

The Regulations Governing Special Education Programs for Children with Disabilities in Virginia reflect the state and federal requirements for the provision of special education and related services. Section [8VAC20-81-230 D.2](#) of the Virginia regulations mandate that an active SEAC exists, specifies membership that requires that a majority of members be individuals with disabilities or parents of children with disabilities as well as defines specific functions of the SEAC, which are as follows:

1. Advise the local school division of needs in the education of students with disabilities;
2. Participate in the development of priorities and strategies for meeting the identified needs of students with disabilities;
3. Submit periodic reports and recommendations regarding the education of students with disabilities to the division superintendent for transmission to the local school board;
4. Assist the local school division in interpreting plans to the community for meeting the special needs of students with disabilities for educational services;
5. Review the policies and procedures for the provision of special education and related services prior to submission to the local school board; and
6. Participate in the review of the local school division's annual plan.

This report satisfies requirement 3 above. SEAC has reviewed the draft policy and determined that it does not meet the needs of students with disabilities.

Concerns and Recommendations

LCPS Proposed Changes:

13 B. Reporting Requirements. Any LCPS employee shall notify the principal or ~~their~~
14 ~~designee or, if the observation occurs off school grounds, other appropriate~~
15 ~~administrator or their designee, if the observation occurs off~~ who shall determine the
16 most appropriate course of action, observes significant changes in behavior, marked
17 differences in daily functioning of a student, or who if the employee has reason to
18 believe that a student is under the influence of illegal drugs, illegally possessed or used
19 controlled or synthetic substances, alcohol, or a chemical substance that affects the
20 brain or nervous system, to include stimulants, depressants, hallucinogens, inhalants,
21 opiates, narcotics, amphetamines, barbiturates, marijuana, or anabolic steroids. ~~outside~~
22 ~~of the school grounds building/property, who shall determine the most appropriate~~
23 ~~course of action.~~ The student may be referred. ~~Actions may include a referral include~~
24 ~~referral~~ to the school nurse, or ~~a call to~~ emergency personnel may be contacted for
25 medical evaluation ~~of the student. Upon verification of an alcohol or drug violation, t~~
26 ~~The principal, administrator, or their respective designee~~ shall notify the parents or
27 guardians of ~~a the~~ student, ~~who has been confirmed to be illegally under the influence of~~
28 ~~drugs or alcohol. The principal may also engage the~~ A school nurse or Student
29 Assistance Specialist may also be engaged to support the student in accordance with
30 Policy 8240. The principal, administrator, or ~~their respective~~ designee shall immediately
31 report ~~any act that may constitute a criminal offense~~ to the Superintendent or designee
32 and the local law-enforcement agency. ~~any act that may constitute a criminal offense.~~

Concern 1: SEAC has repeatedly expressed concerns about clearly defining and separating the roles of school staff and law enforcement. Law enforcement should not be performing the jobs of school staff and school staff should not be performing the jobs of law enforcement.

Concern 2: SEAC is concerned the new wording in the draft policy shifts the focus away from student safety, parent engagement, and caring for students while in the care of LCPS to defining every possible illegal substance. Existing Policy 8240 defines illegal drugs, alcohol, tobacco, and electronic cigarettes in detail.

Concern 3: Students with and without disabilities may have adverse reactions to prescribed medications or have other medical emergencies that cause changes in behavior or daily functioning and may appear to some as being under the influence of illegal substances. Parents or guardians should always be contacted if the student is demonstrating significant changes in behavior or function regardless of the cause. This notification should not be contingent upon the completion of the time-consuming process of confirming the student “to be illegally under the influence of drugs or alcohol.” For one thing, a parent could inform the investigative process because they would know if the

child had a medication change or some other medical or emotional change that could explain the change in behavior or function before the situation escalates to involving law enforcement and potentially traumatizing the student. Disabled students are often subjected to antiquated biases and assumptions that could make explainable behavior or functioning changes look like the student is “under the influence”. This policy should have the tenor of helping students and be written in language that does not encourage biased assumptions of student illegal activity and keeps parents informed of any significant behavior or functioning changes.

Recommendation 1: Line 14, Change “off school grounds” to “at a school-sponsored activities” to align with language in Section A.

Recommendation 2: Beginning with Line 15, do not make the proposed change to the current policy language to delete, “observes significant changes in behavior, marked differences in daily functioning of a student...”

Recommendation 3: Line 17, delete changes beginning with “or who” through line 23 ending with “course of action.”

Recommendation 4:

Delete line 27 beginning with “who has been confirmed...” through line 28 ending with “alcohol”.

Line 28 Add “If the student is confirmed to be illegally under the influence of drugs or alcohol in accordance with Policy 8240, the”, Delete “A”.

Line 29, Delete “in accordance with Policy 8240.”

SEAC suggests the simplified language below:

13 B. Reporting Requirements. Any LCPS employee shall notify the principal, their
14 designee or other appropriate administrator if they observe significant changes in
15 student behaviors or marked differences in the daily functioning of a student while on
16 school property or at a school sponsored event. The student may be referred to the
17 school nurse, or emergency personnel for a medical evaluation. The principal,
18 administrator, or their respective designee shall notify the parents or guardians of a
19 student. If the student is confirmed to be illegally under the influence of drugs or alcohol
20 in accordance with Policy 8240, the school nurse or Student Assistance Specialist may
21 also be engaged to support the student. The principal, administrator, or their respective
22 designees shall immediately report any act that may constitute a criminal offense to the
23 Superintendent or designee and the local law-enforcement agency.

SEAC Membership Vote

SEAC Membership Vote on Recommendation

Quorum: 13 of 16 SEAC Members present – Quorum Established

Motion: Motion by Elizabeth Crotty to adopt the recommended change, Rozeena Khattak, seconded the motion.

Vote Summary: 15 Yes, 1 Abstention, Motion Carries

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The Loudoun County School Board is committed to maintaining a **safe**, drug- and alcohol-free **learning environment**. All LCPS employees have a responsibility to promote a safe and drug- and alcohol-free **learning environment** that encourages healthy decision-making and resiliency skills.

A. Staff Language and Conduct. No LCPS employee shall encourage or condone **illegal** alcohol or ~~illegal~~ drug use by students at any time or place, including **during school-sponsored activities, whether on or off school board property, such as sporting events, award ceremonies, and domestic or international field trips.** ~~For the purposes of this policy, the term "illegal" is defined as violating the Code of Virginia, federal law, and/or the laws governing the location of the student during field trips.~~

B. Reporting Requirements. Any LCPS employee shall notify the principal or ~~their~~ designee or, ~~if the observation occurs off school grounds, other appropriate administrator or their designee, if the observation occurs off~~ who shall determine the most appropriate course of action, observes significant changes in behavior, marked differences in daily functioning of a student, or who if the employee has reason to believe that a student is under the influence of illegal drugs, illegally possessed or used controlled or synthetic substances, alcohol, or a chemical substance that affects the brain or nervous system, to include stimulants, depressants, hallucinogens, inhalants, opiates, narcotics, amphetamines, barbiturates, marijuana, or anabolic steroids, ~~outside of the school grounds building/property, who shall determine the most appropriate course of action.~~ The student may be referred. ~~Actions may include a referral include referral~~ to the school nurse, or ~~a call to~~ emergency personnel may be contacted for medical evaluation of the student. ~~Upon verification of an alcohol or drug violation, t~~ The principal, administrator, or their respective designee shall notify the parents or guardians of ~~a the~~ student, who has been confirmed to be illegally under the influence of drugs or alcohol. ~~The principal may also engage the A school nurse or Student Assistance Specialist may also be engaged to support the student in accordance with Policy 8240.~~ The principal, administrator, or their respective designee shall immediately report ~~any act that may constitute a criminal offense to the Superintendent or designee and the local law-enforcement agency. any act that may constitute a criminal offense.~~

[Former Policy 7-36]

Adopted: 3/9/71

Revised: 12/13/11, 4/24/12

Current Revision: 2/23/16, x/xx/22

Legal Refs: §22.1 – 279.3:1, Code of Virginia, 1950, as amended, Controlled Substances Act (21 U.S.C. § 801 et seq.) at 21 U.S.C. § 812(c).

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45 Cross Refs: School Board Policy ~~5070 5-11~~ Field Trips

46 ~~School Board Policy 5-12 Foreign Trips~~

47 School Board Policy 8240 Alcohol, Drug, Tobacco and Electronic

48 Cigarettes ~~8-35 Alcohol~~

49 ~~School Board Policy 8-36, Drugs~~

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