

ALCOHOL, DRUG, TOBACCO AND ELECTRONIC CIGARETTES

The purpose of this policy is to promote and maintain a safe and healthy environment for the school community. The Loudoun County School Board is committed to supporting students to abstain from the possession, use, distribution, and/or sale of alcohol, illicit and unauthorized drugs, tobacco, and electronic cigarettes (“e-cigarettes”). Staff will intervene when a violation is detected, take appropriate corrective disciplinary action, and provide educational support for all students.

A. Prohibited Substances and Usage. While under School Board authority, which scope is set forth in Policy 8205: Discipline Authority, students are strictly prohibited from:

1. The manufacturing, possession, distribution, dispensing, sale, intent to sell and/or distribute, or use of any illegal drug or chemical substance that affects the brain or nervous system, to include stimulants, depressants, hallucinogens, inhalants, opiates, narcotics, amphetamines, barbiturates, marijuana, anabolic steroids, synthetic, or controlled substances. A controlled substance means a drug or other substance identified under schedules I, II, III, IV, or V of the Controlled Substances Act (21 U.S.C. § 801 *et seq.*) at 21 U.S.C. § 812(c). A controlled substance that is legally possessed or used under the supervision of a licensed-healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act—or under any other provision of federal law—will not be considered an illegal drug under this policy.

2. Manufacturing, possessing, distributing, dispensing, selling, intending to sell and/or distribute, or using any item that purports to act like/imitate an illegal drug or controlled substance (e.g., pill, capsule, tablet, or any imitation/look-alike drug or chemical substance that affects the brain or nervous system (including anabolic steroids))—regardless of the items’ actual effects.

3. Manufacturing, possessing, distributing, dispensing, selling, intending to sell and/or distribute, or using alcohol (to include: ethyl or grain alcohol obtained by distillation of any fermented liquor; synthetic ethyl alcohol; spirits, such as brandy, rum, whiskey, vodka, scotch, gin—or any combination thereof; and products/liquids that contain alcohol, such as cough syrup, mouthwash, and extracts). Methyl alcohol and alcohol completely denatured in accordance with formulas approved by the United States Government is not prohibited under this policy.

4. Being under the influence of illegal drugs or alcohol, as previously defined and/or characterized herein.

5. The use, possession, or distribution of drug-related paraphernalia or contraband.

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6. The sale or distribution of any medication (*i.e.*, substances used in treating diseases, healing or relieving pain—to include all over-the-counter drugs, such as aspirin, cough syrups, gargles, caffeine pills, homeopathic treatments, and the like), regardless of whether it is prescription or otherwise.

7. The possession, distribution, dispensing, sale, intent to sell and/or distribute, or use of tobacco (*i.e.*, cigarettes, cigars, blunts, bidis, pipe tobacco, snuff, chewing tobacco, electronic smoking devices (*i.e.*, e-cigarettes and vape pens)), and all other products containing nicotine.

8. The sale, distribution, or possession of tobacco accessories and/or paraphernalia—regardless of whether they contain nicotine—such as filters, rolling papers, pipes, and liquids used in electronic smoking devices to vape.

B. School Property. School property means: any building, structure, or vehicle that is owned, leased, or contracted by the Division, both on and off-site; any real property surrounding buildings and structures, athletic grounds, parking lots; or any other outdoor property that is owned, leased, or contracted by the Division or one of its charter schools, both on and off-site.

C. School Responsibilities. Schools are responsible for maintaining an atmosphere conducive to learning and protecting students from illegal and harmful influences. All members of the school community are subject to the law, and school personnel have the obligation to report suspected violations of the law to proper authorities.

D. Possession of Prescription or Non-Prescription Medication. Students shall not possess any prescription or non-prescription medication, except those identified in an approved health plan (*e.g.*, an inhaler, EpiPen, or prescription drugs)—even when otherwise recommended or prescribed for the student's use. All such items shall be taken by a parent, legal guardian, eligible student, or other responsible adult to a school clinic or office designated by the principal or principal's designee at the start of the school day for safekeeping.

E. Prevention and Intervention. In addition to disciplinary actions deemed appropriate in accordance with Policy 8210 *et seq.*, all students who violate this policy shall participate in LCPS' substance prevention and intervention activities, to include attending a Substance Use Education Class. To the extent students who are identified as disabled under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act are disciplined for violating the Division's alcohol and drug policies to the same extent as non-disabled students, the Substance Use Education course should incorporate any relevant instructional accommodations and/or modifications per the students' educational plans to permit full access to the content of the curriculum. The Substance Use Education course should incorporate relevant instructional accommodations for English

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Learners to permit full access to the content of such curriculum as well. A disciplinary assignment to the Substance Use Education Class under this policy is not a placement in an alternative education program. Additionally, any student who violates this policy may be required to: (1) undergo an evaluation for drug and/or alcohol abuse; and (2) participate in a substance treatment program, if recommended by an appropriately licensed evaluator and upon consent of the student's parent(s) or guardian(s)--or with the consent of the student, if eligible.

F. Discipline. Violations of this policy shall result in the discipline outlined in the administrative regulation accompanying this policy.

G. Right of Appeal. Short-term suspensions and assignments to the Substance Use Education Class may be appealed in accordance with Policy 8220. Long-term suspensions and assignments to the Substance Use Education Class may be appealed in accordance with Policy 8230.

H. Required Reporting to Parents/Guardians and Local Law Enforcement. The principal or principal designee shall report a violation of this policy to parents/guardians. The principal or principal designee should report violations to local law enforcement as required by Virginia Code § 22.1-279.3:1, and by Policy 7554.

I. Severability and Enforceability. The provisions of this policy are intended to be and are hereby declared severable. In the event one or more portions are declared unenforceable by a court or competent jurisdiction, such declaration shall not impair the enforceability of the remaining portions hereof.

[Former Policies 8-35, 8-36, 8-37]

Adopted: 10/24/17

Revised: 09/13/22

Legal Refs: [21 U.S.C. § 812\(c\)](#); Code of Virginia §§ [4.1-100](#), [22.1-277.04](#), [22.1-277.05](#), and [22.1-279.3:1](#)

Cross Refs: Policy [7554](#): Employee Responsibility Concerning Student Alcohol and Drug Usage, Policy [8205](#): Discipline Authority, Policy [8210](#): Introduction to Student Discipline, Policy [8220](#) Student Suspension, and Policy [8230](#) Appeals and Hearings – Student Discipline