

EASTERN TOWNSHIPS SCHOOL BOARD	<i>Title:</i> SUBSTANCE ABUSE STATEMENT AND PROCEDURE	
<i>Source:</i> Council of Commissioners Director – Ped. Services	<i>Adopted:</i> ETSB00-148 2000-06-27 Effective as of 2000-06-27	<i>Reference Number:</i> P009

SECTION 1: PHILOSOPHY STATEMENT

The Eastern Townships School Board recognizes its responsibility to provide all students with an environment conducive to the development of their maximum learning potential. The presence of drugs in the school or students with substance abuse problems is a deterrent to learning, thereby limiting, interfering with, or inhibiting the primary responsibility vested in the educational system.

In the development of these procedures, many factors have been considered:

- Concern about the disruption of the learning environment of all students exposed to substance abuse behaviours.
- Concern about the health of our students. Students adversely affected by drugs not only injure themselves, but negatively impact the entire school environment. We commit ourselves to preserve the safety of all students. The presence of drugs in the school increases the likelihood that the safety of our students will be disrupted through accidents, fights, etc.
- Concern about the legal ramifications for students, teachers, administrators, parents and the community. The Council of Commissioners fully supports it's administrators and all other Board employees in the exercise of their duties in eliminating the use of illicit substances on the properties and in the school buildings belonging to the Eastern Townships School Board. As well, this support is fully extended to any problems created by the use of illegal substances, regardless of locale, for all authorized activities associated with the schools of the District.
- Acceptance of the concept of substance dependency as treatable, and recognition that the problem in our schools cannot be simplistically solved by solely excluding those students who are involved. We recognize that there are many contributing factors in a troubled student's life. We therefore, try to maintain a balance between compassion for and aid to students seeking assistance for substance abuse problems, and the protection of the overall academic environment of students who remain substance free.

- Recognition that the rights of students who do not abuse drugs must be protected. They should not have to be exposed to the possibility of being involved in, or witness to, illegal activities.
- Recognition that the rights of administrators, teachers and all staff to perform their duties must be protected. They must take their place as educators and not be expected to perform the duties of police or diagnostician.
- Recognition that the rights of students suspected of illegal or unhealthy behaviours must be protected. The student must be helped as well as prevented from committing further illegal acts.

The Council of Commissioners is responsible for establishing this set of procedures and directing their implementation. The school administration must actively implement these procedures and educate the entire school community on their structure and function. All staff must understand the procedures and put them into practice.

The purpose of these procedures is to eliminate from the total context of school life the use of illegal substances, and to provide assistance to students detrimentally involved with such substances. The procedures provided herein will be applied consistently.

SECTION 2: DEFINITIONS

In this policy, unless otherwise stated:

- 2.1 **School Property** means a school building and property, out of classroom programs, activities, school transportation services and facilities approved by or under the jurisdiction of the Board;
- 2.2 **Principal** means a school administrator, designated authority or his designate;
- 2.3 **Parent** means a parent or person having legal responsibility for a student;
- 2.4 **Reasonable and Probable Grounds** means the reasonable conclusion reached by a responsible adult;
- 2.5 **Drugs or Substances** means the following:
- (i) Alcohol: all substances defined as liquor in the Liquor Licence Act;
 - (ii) All substances that are listed in the Narcotic Control Act;
 - (iii) All controlled drugs and restricted drugs so defined and listed in the Food and Drugs Act.
- 2.6 **Search of the Student's Locker and Personal Effects** means a search of all of a student's belongings found on school property and where deemed warranted, may include a search of the person of the student.
- 2.7 **Core Educational Services** means individualized isolated tutorial services in compulsory academic subjects. Provision of these services excludes transportation, access to student areas and all non-academic activities under the Board's jurisdiction for any student who has been suspended for a period exceeding five days.
- 2.8 **Student Assistance Program** means the formalized process of referral and problem identification to assist any student in need of, or seeking to become involved in appropriate treatment.
- 2.9 **Student Assistance Core Team** means an ad hoc committee that receives all referrals resulting from a violation of the substance abuse policy; the team is usually composed of an administrator, a student services professional and where available, the drug education counsellor. Upon referral, the core team evaluates the gravity of the infraction and determines the appropriate action to be taken.
- 2.10 **Categories of Infraction**
- (i) **Under the Influence:** This case would exist where a student's behaviour or appearance suggests they are under the influence of an illicit drug, but where no apparent possession can be detected.
 - (ii) **Possession:** A student would be categorized here when he/she is found to be in possession of an amount of any illicit substance. This definition may also apply to drug look-a-likes or other drug paraphernalia.

- (iii) **Trafficking:** Possession of an illicit substance and a witnessed transaction (i.e. exchange of money or an illicit substance) will be deemed to be possession for the purpose of trafficking. This definition may also apply to drug look-a-likes or other drug paraphernalia, as above.
- (iv) **Distribution:** A student may be categorized as a distributor when witnessed in the act of a “drug” transaction (exchange of money or illegal substances) with a suspected or confirmed drug trafficker.

2.11 **Adult Student** means any person who is eighteen years of age or older, or registered in any program outside the regular elementary and secondary academic system (i.e. Adult Education, Formation Professional, S.O.F.I.E, etc.).

SECTION 3: PREVENTION: EDUCATION AND INFORMATION

The Council of Commissioners believes that it is in the best interests of the community to take steps to promote, enhance and maintain a drug-free school system and student body and, that along with parents and other segments of the community, it has a role in helping students to remain drug-free. The Board undertakes and supports two types of orientations in its jurisdiction: Curriculum-Based Instruction and Specialized Programs.

3.1 **Curriculum-Based Instruction:** The information and education associated with the use of illegal substances, alcohol and other drugs will be covered within the normal course load of each individual student.

3.2 **Specialized Programs:**

(3.2.1) **Student Assistance Program:** This program is designed to increase student knowledge of alcohol and other substance abuse, and related problems (depression, family conflict, suicide, etc.) through a series of organized activities, counselling and public information sessions. It also works as a referral process to identify, screen, refer and assist students who may be affected by their own or someone else's substance use/abuse. The success of the Student Assistance Program model is the partnership it creates between the school, family and community and in its availability as a system-wide identification process for drug related problems.

(3.2.2) **Information Sessions:** Relevant information sessions are developed and available to the parents of students attending schools within the Eastern Townships Board at various intervals throughout the school year. These sessions provide parents with up to date and accurate information which will assist them to more fully understand their responsibilities in ensuring that the student is aware of the inherent risks of illegal substance use and to be more informed of the behavioural symptoms of such use. Students may also be provided with similar sessions privately, in small groups or organized assemblies, upon request.

(3.2.3) **Information Sessions/Adult Students:** Adult learners in all Eastern Townships programs will be provided with similar information sessions on a yearly basis, upon request of the Director of Adult Education and Vocational Education.

(3.2.4) **Staff Responsibilities:** Staff will act as a role-model on school property for students by total abstention of the use or possession of narcotics and restricted drugs other than those medically prescribed. Alcohol may be used outside the hours of student presence in accordance with school board policies and the laws of the Province of Quebec. Liquor permit requests will be supported by the Council of Commissioners if formally requested by the appropriate Governing Board and providing no minors will be present at the proposed activity.

SECTION 4: INTERVENTION

The Eastern Townships School Board shall provide an intervention process designed to interrupt problem behaviour. The district shall initiate intervention strategies under three circumstances:

- 4.1 Students Seeking Help;
- 4.2 Students Exhibiting Inappropriate, Unusual or Atypical Behaviour, and;
- 4.3 Students who are in Violation of the Policy.

4.1 STUDENTS SEEKING HELP

4.1.1 A teacher, administrator, professional or support staff may respond to a student seeking help with a substance abuse problem, either their own or a significant other, and cannot be compelled to use the information in a disciplinary manner, so long as no school rules are violated at the time the student seeks help.

4.1.2 All staff should be aware of the distinction between those seeking help and those violating law. All incidents involving possession, distribution, trafficking or being under the influence of drugs should be reported to the appropriate personnel as outlined later in this document.

4.1.3 The Board, through its school administrators and employees will treat as confidential all communications and other endeavours initiated by a student to secure medical or counselling assistance, except if the student is under 14 years of age or poses a threat to himself through the abuse of drugs, in which case, the Director of Youth Protection should be notified or, if the student is about to commit or has committed a crime.

4.1.4 The individual school administrator will refer all students seeking help to the Student Services Department of the Board for screening and/or consultation.

4.1.5 Every case in which a student seeks information from school personnel to overcome a substance abuse problem must be handled on an individual basis, which will depend on the particulars of each case. In determining what procedures might be appropriate, the school personnel should consider:

- a) Age of Student
- b) Type of substance being consumed
- c) Intensity of involvement
- d) Sincerity of student seeking help to undertake appropriate treatment
- e) Resources available
- f) Parental involvement

4.1.6 All school personnel should be aware of the referral process. Decisions to involve parents should be made by the Student Assistance Core team, who must consider the individual circumstances and the mental and physical health of the child.

4.1.7 When necessary, the student will be referred to a licensed substance abuse assessment practitioner for further assessment and/or treatment.

4.2 REPORTING UNUSUAL, INAPPROPRIATE OR ATYPICAL BEHAVIOUR

4.2.1 School personnel shall be trained in behaviour symptoms and the use of a behavioural checklist to document behaviours of concern.

4.2.2 Documentation is to be submitted to the S.A.P. core team responsible for implementing the substance abuse policy and/or student assistance program.

4.2.3 Results of the behavioural checklist or referral will be discussed with the student in an atmosphere of caring, not discipline.

4.2.4 Parental involvement will be initiated if further screening by a licensed substance abuse practitioner is recommended. Because this is not a disciplinary issue, a recommendation for screening can be refused; parent and/or student involvement in screening at this level is voluntary.

4.2.5 Any behavioural checklists solicited will be kept in the student's Student Services file for the remainder of the school year, in accordance with current school procedures for student records.

4.3 VIOLATIONS OF THE POLICY:

4.3.1 School personnel are required to report any witnessed infractions or suspected drug activity to the school principal.

4.3.2 A designated administrator will investigate the report and determine if there is a reasonable basis to believe that a student may be involved as reported, observing the student's civil and due process rights.

4.3.3 The principal shall consult with the S.A.P. core team to see if school personnel have filed previous behavioural reports during the current school year.

4.3.4 A student subject to disciplinary action shall be given a preliminary conference. The principal may also conduct a search of the student's locker and personal effects and should notify law enforcement officials to identify any substances confiscated and/or to further investigate the reported infraction.

4.3.5 The parent or guardian shall be immediately called and informed of the infraction.

4.3.6 Where possible, the student shall be detained in the principal's office until the parent or guardian arrives for an immediate and mandatory meeting. Upon the arrival of the student's parent or guardian, the principal following consultation with the core team, will determine the appropriate disciplinary actions to be taken, including the duration of the designated suspension period. Referral for further assessment may be offered at this time. The student and parent may be referred to Student Services for help in arranging an assessment interview.

4.3.7 In the case of possession, distribution or trafficking of drugs, look-a-likes or drug paraphernalia, police involvement is required when such action has taken place on school premises. Attempts will be made to confiscate the evidence.

4.3.8 In all cases, students may be subject to an automatic school suspension of up to five (5) days. Regardless of the type of infraction cited; the length of the suspension is left to the discretion of the acting administrator. At the end of a five-day period, the student and parents will re-convene with the school principal to determine the conditions of re-entry. At this time, the principal may request permission from the Director General to extend the suspension up to an additional thirty (30) days pending further investigation by the S.A.P. core team and/or law enforcement officials.

In some cases, a recommendation for screening by an independent, licensed substance abuse practitioner may be requested. Re-entry to school may be contingent upon the following factors: the age of the child, intensity of involvement, sincerity of student to undertake appropriate treatment; and finally, the extent of parental involvement in remediating the problem and assisting the child in seeking help.

4.3.9 In the case of possession, distribution or trafficking of drugs, failure to comply with disciplinary recommendations or subsequent offences may result in a request by the school principal, through the Director General, to the Council of Commissioners for a balance of the year suspension or expulsion. In this case, the student may also be denied access to all core educational services if deemed appropriate. This measure may also apply to students cited for repeated offences of “ being under the influence ” of drugs or alcohol on school premises.

SECTION 5: SEARCH

Students and parents should be advised annually that:

Lockers are provided for the use of students to provide reasonable security for personal articles that are deemed legal and appropriate to have in school; however, where reasonable grounds of suspicion exist that a student is using a locker to store illicit drugs, a search may be conducted by the administration of the school. Search may be undertaken subject to the following conditions:

5.1 The student must be advised of his/her rights to have a witness of his/her choice present. In the case of a child 14 years or less, the witness may be a parent of the child, or another adult of the child's choice. In the case of students 15 years of age or more, it may be a parent, student, or other adult of their choice.

NOTE: SEE APPENDIX I FOR DEFINITION OF SEARCH AND SEIZURE

SECTION 6: APPEAL

Please see document attached APPEAL PROCESS - STUDENTS (APPENDIX 2) for the procedures available to students and parents to appeal a decision of the School Board as outlined in the Education Act R.S.Q., Chapter I-13.3, Articles 9 through 12.

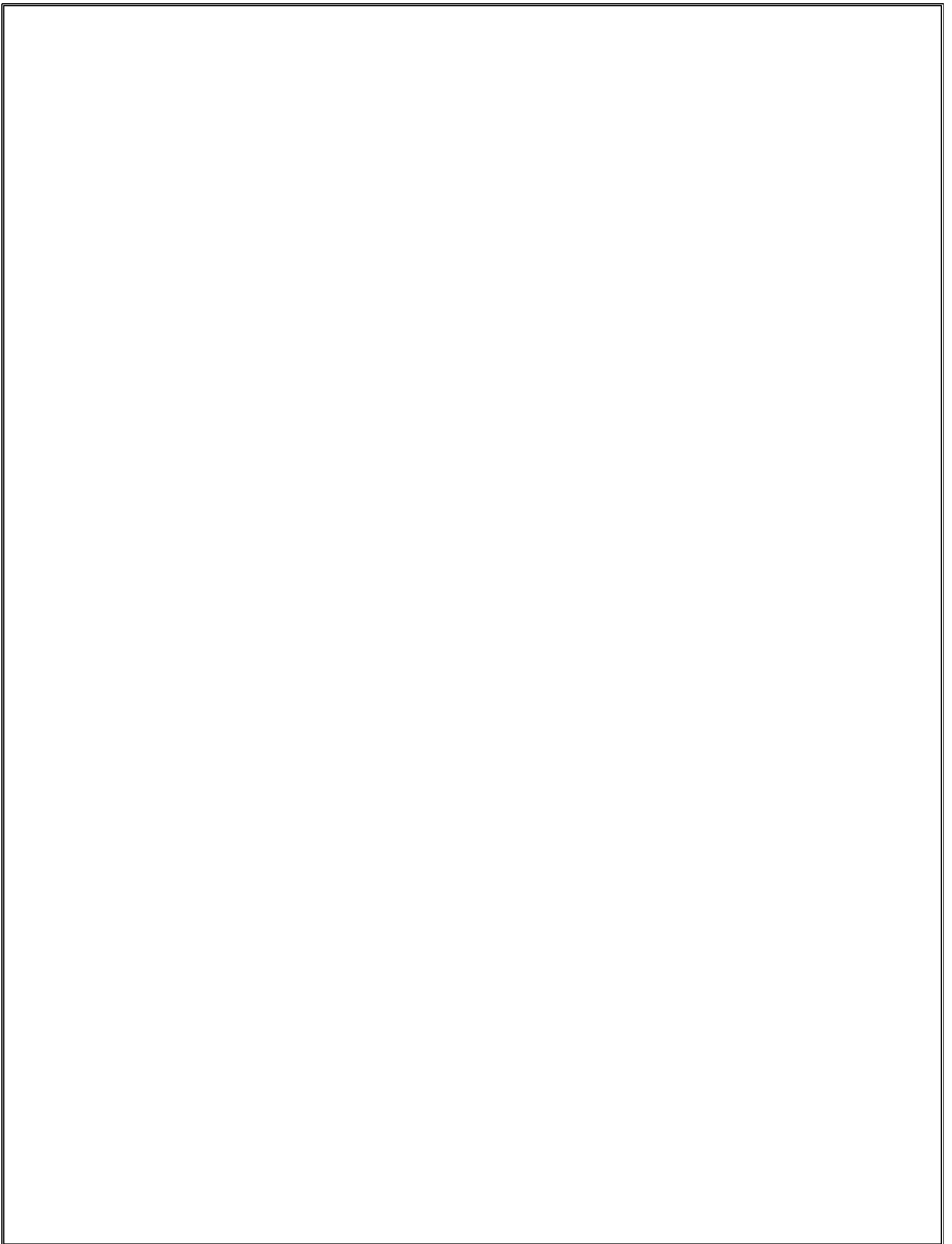
SECTION 7: OTHER

7.1 APPLICATION WITH REGARD TO SOCIAL SERVICES AND/OR THE DIRECTOR OF YOUTH PROTECTION:

For the protection of the student population, all students found in violation of these procedures, will be treated in the same manner, regardless of the fact that they may be in the care of a Social Service Centre or under the auspices of the Director of Youth Protection.

COMMUNICATIONS

It is the policy of the Eastern Townships School Board that all parents, students and staff will be given a printed statement of these procedures, which will include a statement emphasizing the certainty of the application of the procedures specified. They will also have access, as required, to a list of the appropriate sources of assistance in the school community. In addition, all staff implicated in the implementation of this policy will receive information needed to alert them to the signs of substance abuse and the appropriate application of the Substance Abuse Policy.



**INFORMATION SHEET FOR PARENTS AND STUDENTS REGARDING
SEARCH AND SEIZURE IN THE SCHOOL SETTING**

SEARCH AND SEIZURE: WHAT DOES IT MEAN?

When school personnel have reasonable grounds to believe that there has been a breach of school regulations or discipline and that evidence of the violation will be found in the location (e.g. locker) or on the person of a student, a designated authority may proceed with a SEARCH of the student in question. This means that they may examine the student's clothing, personal effects, locker and/or person to SEIZE evidence required for disciplinary action.

Note: Lockers are provided for the use of students to provide reasonable security for personal articles that are deemed legal and appropriate to have in school. However, student lockers are the property of the school and may be opened at any time by a designated school authority when there is a suspicion that they are being used for illegal purposes.

WHY WOULD A SEARCH OCCUR?

Because a student may be in possession of items restricted by school regulations:

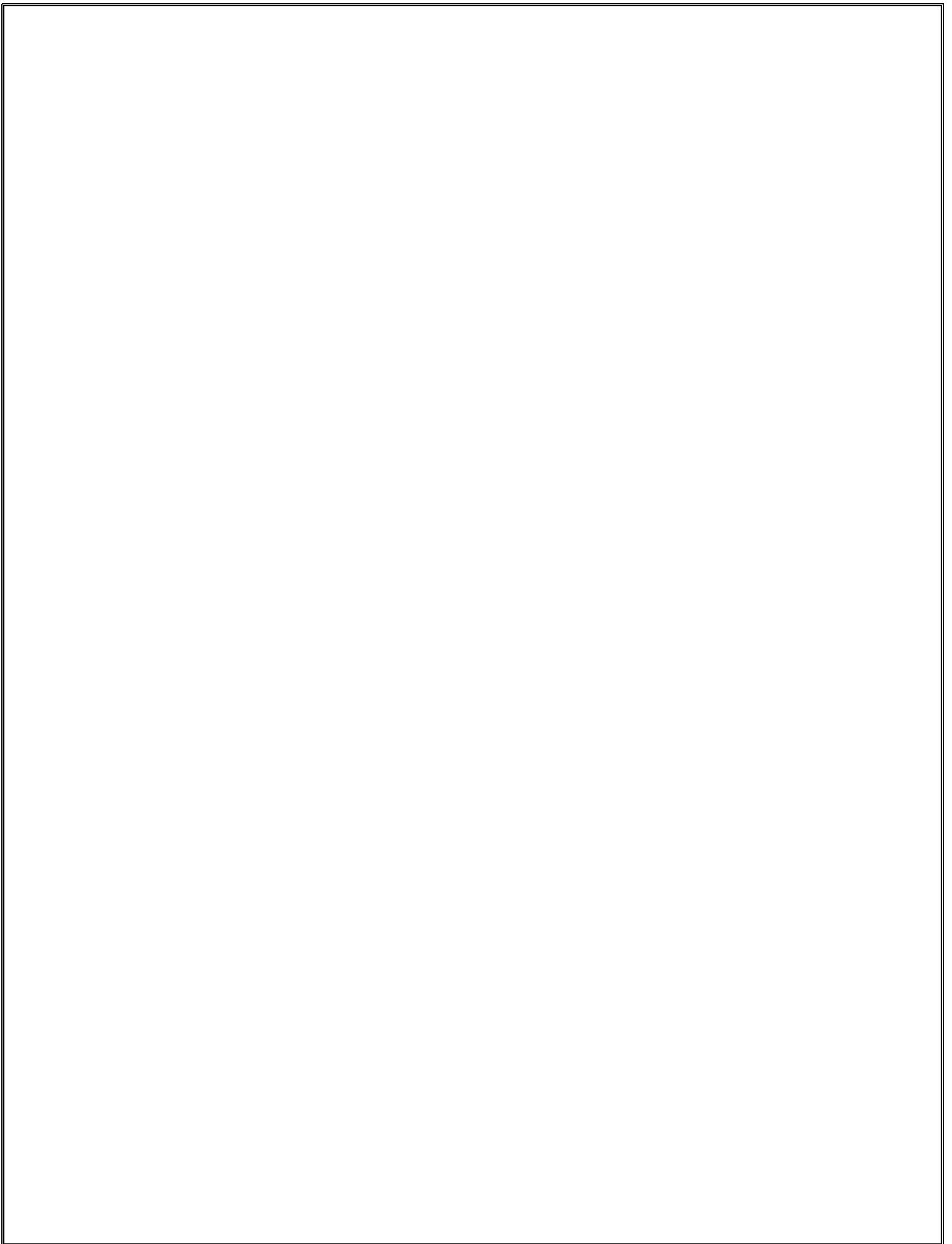
- Illegal drugs or paraphernalia;
- Alcohol;
- Firearms, knives or other weapons
- Stolen articles.

HOW WOULD A SEARCH BE CARRIED OUT?

Before searching a student, the designated authority would do the following:

- Ask the student to turn over the item(s) in question;
- Inform the student of the reason for the search and the items being sought;
- Provide the student with an opportunity to submit to the search voluntarily;
- Inform the student of the legal rights and responsibilities of school personnel to maintain a safe and secure environment;
- The student will be advised of his/her right to have a witness of his/her choice present during the search. In the case of a child 14 years or less, the witness may be a parent of the child or another adult of the child's choice. In the case of a student 15 years of age or more, it may be a parent, student or other adult of their choice.

Note: Based on the recent Supreme Court Ruling on Search and Seizure



APPEAL PROCESS – STUDENTS
(Adopted by Resolution No. ETSB99-107 January 19, 1999)

A student, or his/her parents, may appeal a decision of a school board which has an effect on that student. The procedures governing such appeal are contained in Articles 9 through 12 of the Education Act which read as follows:

9. A student or parents of a student affected by a decision of the council of commissioners, the executive committee, or of an officer or employee of the school board may request the council of commissioners to reconsider such decision.

10. The request of the student or his parents shall be made in writing and shall briefly set forth the grounds on which it is made. It shall be transmitted to the secretary general of the school board.

The secretary general shall assist every student or parent of a student requiring assistance in the formulation of his request.

11. The council of commissioners shall dispose of the request without delay.

It may submit the request for examination by a person whom it designates or by a committee which it establishes; such person or committee shall make a report of his or its findings and accompany the report, if it seems appropriate to do so, with recommendations.

During the examination of the request, the interested parties shall have the opportunity to present their points of view.

12. The council of commissioners may, if it considers that the request is founded, overturn, entirely or in part, the decision contemplated by the request and make the decision which, in its opinion, ought to have been made in the first instance.

The person who made the request and the author of the contested decision shall be notified of the council's new decision and informed of the grounds on which it was made.

Mandate:

The Committee is mandated by the Council of Commissioners to examine the request of a student or his/her parents for the purpose of an appeal of a decision of the Board which has an effect on that student.

Composition:

At least two (2) Commissioners selected from the eight (8) Commissioners appointed by the Council of Commissioners with a representative from the administration.

Appeal Procedure:

1. The request of the student or his/her parents shall be made in writing and shall briefly set forth the grounds on which it is made.
2. The request shall be transmitted to the Secretary General of the School Board at 101, Du Moulin Street in Magog QC J1X 6H8.
3. Interested parties shall be notified of the appeal.
4. The Secretary General will convene a meeting of the Appeal Committee and give assistance to the interested parties if requested.
5. During the examination of a request, the interested parties shall have the opportunity to present their points of view.
6. The Appeal Committee shall report its findings to the Council of Commissioners.
7. The person who made the request will be notified of the Board's decision and the grounds on which it was made.

For the purpose of ensuring a fair process of the Appeal Committee, there must be two Commissioners present at all hearings.