

POLICIES CONCERNING ALCOHOL AND OTHER DRUGS

Revised 3/14/17

The Buncombe County School System provides drug and alcohol prevention to all students, grades K-12, and believes that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful.

As a result of a federal mandate, Buncombe County Schools wishes to inform all employees, parents, and students of the school policies which relate to alcohol and other drugs.

SUSPENSION OF PARTICIPANTS IN HIGH SCHOOL ATHLETICS (Policy 4354)

I. General Policy Statement and Applicability

The use of drugs and alcohol is detrimental to the physical and emotional health and academic performance of student athletes, which for the purpose of this policy includes cheerleaders. Furthermore, participation in interscholastic sports is a privilege and not a right. Therefore, the Board of Education approves the following sanctions related to drug and alcohol possession and/or use by student athletes and cheerleaders in high school. Nothing herein, however, shall prevent a team coach, in consultation with the principal and athletic director, from exercising reasonable discipline in addition to the sanctions contained herein for infractions of established team rules. Such reasonable discipline may include increasing the number of athletic contests of a suspension or removal from the team. Finally, the decision to impose this policy or to levy disciplinary sanctions on newly enrolled students for violation of this policy prior to their enrollment shall be in the sole discretion of the principal.

II. Drugs and Alcohol

A. Administration

The possession, use, distribution and/or sale of drugs or counterfeit drugs, as defined in North Carolina General Statute 90-87, without a medical prescription, or alcohol, including possession of paraphernalia by student-athletes or prospective student-athletes at any time or place is not acceptable and prohibited. This policy is in effect 24 hours a day, 7 days a week, 365 days a year and applies only to athletes or prospective athletes in grades 9-12.

If school officials receive credible evidence, such as a police report or criminal charges related to a drug or alcohol offense, or have a reasonable suspicion that a violation under this section has occurred at any time within the past 12 months, the principal or his/her designee will investigate. The investigation must be completed within ten (10) school days from the date of receipt of credible evidence or reasonable suspicion. If after the investigation, the principal or his/her designee determines that the student has committed a violation of this policy, the principal or his/her designee will provide a written finding to the principal and student. Upon receipt of the written finding, the principal shall impose the following penalty:

- A. **First Offense:** The principal will suspend the student from all interscholastic athletic contests for thirty (30) in-season athletic school days or six (6) athletic contests, whichever is greater, from the date when the written findings are provided to the principal and student. In-season athletic school days shall be defined as days when students are in attendance or days when an interscholastic contest takes place during the current and/or next season of participation by the student-athlete. In addition, the student must successfully complete the following:
 1. Student meets with the school counselor within the first full week of suspension or upon return to school.
 2. Student undertakes a substance abuse evaluation by a licensed addiction specialist. If the licensed addiction specialist recommends interventions or treatment, student must have begun the process of receiving the interventions or treatments. Buncombe County Schools is not responsible for the cost of the prescribed interventions or treatments.
- B. **Second Offense:** The principal will suspend the student from all athletic activities for a period of 185 school days from the date when the written findings are provided to the principal.
- C. **Third Offense:** The principal will suspend the student from all athletic activities for the remainder of his/her high school career in the Buncombe County Schools.

The penalty imposed on the first offense will be automatically reduced to the greater of 20 school days or three (3) athletic contests, upon successful completion of the following conditions:

1. Student must complete fifteen (15) hours of community service to a non-profit organization pre-approved by the school's athletic director.

If the violation occurs when a student-athlete is participating in multiple sports at the same time and in the same season, the suspensions shall be equally imposed on each sport.

Student-athletes suspended in violation of this policy will be allowed to participate in all practice and conditioning sessions of the team excluding interscholastic scrimmage.

No student-athlete who is disqualified from interscholastic athletic competition shall be permitted to participate in the interscholastic athletic program of another school within this system during the period of disqualification, which is determined by the principal of the school in which the violation occurred.

B. Review Procedure for Drugs and Alcohol Violation

The review procedure is as follows, and is only for a suspension imposed upon the first offense, notwithstanding any other board policy:

A student may request a review of the suspension by providing written notice to the principal within two (2) school days of the date of the principal's notification to the student and/or parent. The notice shall state the reason for the review.

The principal will review the record of the school's investigation. The principal, in consultation with the athletic director and coach of the team in which the violation occurred, shall consider the following mitigating circumstances:

- (1) having no history of disciplinary problems;
- (2) having a significant amount of time pass since the student's last disciplinary problem;
- (3) being a passive participant or playing a minor role in the offense;
- (4) reasonably believing the conduct was legal;
- (5) acting under strong provocation;
- (6) aiding in the discovery of another offender;
- (7) making a full and truthful statement admitting guilt at an early stage in the investigation of the offense or prior to the investigation;
- (8) displaying an appropriate attitude and giving respectful cooperation during the investigation and discipline process; and
- (9) evidence of a clean drug test administered by a reputable third party at the expense of the student-athlete.

Mitigating circumstances do NOT exist solely because of demonstrated prowess in a sport or activity or the potential of scholarships or grants in aid.

The principal will issue a decision within five (5) school days of receipt of the request for review. The principal will inform the student and parent of the decision of whether to uphold or modify the disciplinary action in writing, as determined by the principal. The principal cannot impose a disciplinary action less than the greater of 20 school days or three athletic contests. The decision of the principal shall be final.

Any disciplinary action, including suspension from participation, will remain in effect during the review process.

Failure by the student to adhere to appeal content requirements and timelines as set forth will result in immediate dismissal of the appeal.

III. Criminal Violations of Local, State and Federal Laws

A. Administration

As stated above, the Board believes that high school athletes and cheerleaders are representatives of the school system and are often role models for other students, and therefore, have great influence on other students. Participation in interscholastic sports is a privilege not a right. It is from this rationale and out of concern for students' wellbeing and safety that the Board implements this policy.

Prior to participating in any sport, a student-athlete or prospective student-athlete must disclose any criminal conviction or pending criminal charge that occurred within the past calendar year to the prospective coach. Failure to

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report may result in reasonable disciplinary consequences as determined by the principal, in consultation with the athletic director and affected coaches.

Student-athletes are required to report all charges and/or convictions of felonies, Class AI, and/or Class I misdemeanors occurring during the school year to their head coach, athletic director and principal. Failure to notify the appropriate staff will result in immediate removal from athletic activities. Students charged with a felony, Class AI, and/or Class I misdemeanor will be suspended from participation as outlined below. The penalties from this policy will supersede the suspension outlined in the Drugs and Alcohol Policy referenced above.

- A. Any student who is charged with a felony or a Class AI or Class I misdemeanor or is petitioned for an offense that would be a felony or a Class AI or Class I misdemeanor if committed by an adult, will be removed from all current teams and will remain ineligible until such time as the courts render the findings in the case. Pleas of “No Contest” or as part of a deferred prosecution or “Prayer for Judgment Continued” (PJC) will be considered convictions for purposes of these guidelines.

If there are mitigating circumstances, the student may request a review of the evidence surrounding the charge by the Superintendent or his designee. The student is ineligible to participate in athletic activities until the Superintendent or his designee renders a final decision.

Mitigating circumstances may include:

- (1) having no history of disciplinary problems;
- (2) having a significant amount of time pass since the student’s last disciplinary problem;
- (3) being a passive participant or playing a minor role in the offense;
- (4) reasonably believing the conduct was legal;
- (5) acting under strong provocation;
- (6) aiding in the discovery of another offender;
- (7) making a full and truthful statement admitting guilt at an early stage in the investigation of the offense or prior to the investigation;
- (8) displaying an appropriate attitude and giving respectful cooperation during the investigation and discipline process;
- (9) evidence of a clean drug test administered by a reputable third party at the expense of the student-athlete; and
- (10) severity of charge.

Mitigating circumstances do NOT exist solely because of demonstrated prowess in a sport or activity or the potential of scholarships or grants in aid. Students who are found not guilty will be eligible for reinstatement to the team.

- B. Any student-athlete who is convicted of a felony or is adjudicated delinquent for an offense that would be a felony if committed by an adult is barred from participation in interscholastic athletics for the remainder of his/her high school career per NCHSAA guidelines.
- C. Students found guilty of a Class AI or Class I misdemeanor or are adjudicated delinquent for an offense that would be a felony if committed by an adult are not eligible to participate in teams and/or activities for 185 school days from the day the student was charged.
- D. Affected students and their parents will be informed in writing by the school regarding all decisions and actions taken relative to these guidelines.
- E. No student who is disqualified from interscholastic athletic competition shall be permitted to participate in the interscholastic athletic program of another school within the school district during the period of suspension.
- F. Student-athletes suspended in violation of this policy will be allowed to participate in all practice and conditioning sessions of the team excluding interscholastic scrimmage.

B. Review Procedure for Criminal Violations

The review procedure for disciplinary action after conviction of a charge is as follows notwithstanding any other board policy:

A student may request a review of the disciplinary action by providing written notice to the Superintendent or his designee within two (2) school days of the date of the school’s notification to the student and/or parent. The notice shall state the reason for the review.

The Superintendent, or his designee, will review the record of the disciplinary action and issue a decision within five (5) school days of receipt of the request for review. The Superintendent or his designee will inform the student and parent of the decision of whether to uphold, modify, or overturn the disciplinary action in writing. The decision of the Superintendent shall be final.

Any disciplinary action, including suspension from participation, will remain in effect during the review process.

Failure by the student to adhere to the review content requirements and timelines as set forth will result in immediate dismissal of the review.

Tobacco Products Students (Policy 4320)

The board is committed to creating safe, orderly, clean and inviting schools for all students and staff and has designated all campuses and school property to be tobacco-free. To this end, the board supports state laws that prohibit the sale or distribution of tobacco products to minors and that prohibit the use of tobacco products by minors. The board also supports state and federal laws that prohibit the use of tobacco products in school buildings, on school campuses, and in or on any other school property owned or operated by the school board. For the purposes of this policy, the term “tobacco product” means any product that contains or that is made or derived from tobacco and is intended for human consumption, including electronic cigarettes and all lighted and smokeless tobacco products.

A. PROHIBITED BEHAVIOR

In support of the board’s commitments and state and federal law, students are prohibited from using or possessing any tobacco product (1) in any school building, on any school campus, and in or on any other school property owned or operated by the school board, including school vehicles; (2) at any school-related activity, including athletic events; or (3) at any time when the student is subject to the supervision of school personnel, including during school trips. Nothing in this policy prohibits the use or possession of tobacco products for an instructional or research activity conducted in a school building, provided that the activity is conducted or supervised by a faculty member and that the activity does not include smoking, chewing or otherwise ingesting tobacco.

B. CONSEQUENCES

The disciplinary consequences for violations of this policy shall be consistent with Section D of policy 4300, Student Behavior Policies. The superintendent or designee shall list in the Code of Student Conduct the specific range of consequences that may be imposed on a student for violations of this policy. In determining appropriate consequences for violations of this policy, school officials are encouraged to identify programs or opportunities that will provide students with a greater understanding of the health hazards of tobacco use, the hazards of secondhand smoke, and the impact of tobacco use on efforts to provide a safe, orderly, clean and inviting school environment.

C. SERVICES FOR STUDENTS

The administration shall consult with the county health department and other appropriate organizations to provide students with information and access to support systems and programs to encourage students to abstain from the use of tobacco products. The school system may, from time to time, provide free non-smoking programs and services to its students.

D. NOTICE

Students will be provided with notice of the information in this policy through the Code of Student Conduct, student handbooks or other means identified by the principal. In addition, the principal shall post signs in a manner and at locations that adequately notify students, school personnel, and visitors about prohibitions against the use of tobacco products in all school facilities, on all school grounds, and at all school-sponsored events.

Student Signature

Date

Parent Signature

Date