

# AVON MAITLAND DISTRICT SCHOOL BOARD

## ADMINISTRATIVE PROCEDURE

### NO. 356

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#### **SUBJECT: SUBSTANCE ABUSE BY STUDENTS**

Legal References: *Education Act: Section 265 Duties of Principal; Part XIII Behaviour, Discipline and Safety; Ontario Regulation 37/01 Expulsion of a Pupil and Ontario Regulation 106/01 Suspension of a Pupil; Guideline - Ontario Schools Code of Conduct; Criminal Code (Canada); Smoke-Free Ontario Act; Controlled Drugs and Substances Act*

Related References: *Administrative Procedure 150 Smoking on Board Premises; AP 351 Code of Conduct; AP 352 Promoting Positive Student Behavior; AP 353 Student Suspension; AP 354 Student Expulsion; AP 364 Search and Seizure Guidelines; Police/School Board Protocol (Appendix B, AP 351)*

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#### **1. Care of Students**

- 1.1 The director of education has established this administrative procedure because of Avon Maitland District School Board's interest in the health of all students as well as their social, personal and legal well-being.
- 1.2 Alcohol, narcotics, and restricted drugs other than those medically prescribed are not to be used by or to be in the possession of individuals on school property.
- 1.3 Tobacco products are not to be used on school property.
- 1.4 This procedure has three principal goals:
  - 1.4.1 To design a curriculum to advocate the prevention of tobacco, alcohol and other drug problems;
  - 1.4.2 To identify and intervene where possible in the drug problems of students for whom preventative measures have been unsuccessful; and
  - 1.4.3 To comply with legislation, and district procedures with respect to disciplinary actions regarding infractions involving tobacco, alcohol, drugs, or other banned substances.
- 1.5 The Director of Education and district staff members support practices that prevent or reduce the harmful use of tobacco, alcohol, and other drugs by influencing students to adopt healthy lifestyles.

#### **2. Procedures**

##### **2.1 Definitions**

In this procedure, unless otherwise stated:

- a) "School property" means not only a school building and property, but includes out-of-classroom programs, activities, and facilities approved by or under the jurisdiction of the district;

- b) "Principal" means a principal or his/her delegate as appropriate;
- c) "Parent" means a parent /legal guardian of a student who is a minor;
- d) "Reasonable and probable grounds" means the reasonable conclusion reached by a responsible adult;
- e) "Alcohol" means all substances defined as liquor in the *Liquor Licence Act*;
- f) "Drugs" means the following;
  - i) All substances that are listed in the *Narcotic Control Act*;
  - ii) All "controlled drugs" and "restricted drugs" as defined and listed in the *Food and Drugs Act*;
  - iii) Inhalants – used for the purpose of intoxication; and
  - iv) Steroids and other performance-enhancing drugs;
- g) "Tobacco Product" means tobacco in any processed or unprocessed form that may be smoked, inhaled, absorbed or chewed but does not apply to products intended for use in nicotine replacement therapy that have been approved by Health Canada;
- h) "Search of the student's locker and personal effects" means a search of a student's personal belongings found on school property, exclusive of the person of the student, with a witness present;
- i) "Suspension" is the temporary exclusion of a student from his/her school and from engaging in all school-related activities for a period from 1 to 20 school days; and
- j) "Expulsion" means that a student is not entitled to attend any school in the province, or to engage in school-related activities of any school in the province until he or she meets such requirements as may be established by regulation for returning to school after being expelled.

## 2.2 Preventive Education

- 2.2.1 The goal of a preventive education program is to reduce the incidence of alcohol and/or other drug-related problems among students by implementing a preventive education curriculum and associated activities. This program will encourage students to make decisions that promote a healthy lifestyle.
- 2.2.2 The preventive education program shall begin at the primary division and extend through the Ontario secondary school curriculum.

## 2.3 Early Intervention into Alcohol and/or Other Drug Problems

Early intervention may reduce the use of alcohol and drugs likely to cause problems and the number of existing cases of alcohol and drug related problems. Students with problems that arise from the use of alcohol and/or drugs will be referred to and encouraged to make use of appropriate assessment and counselling services.

## 2.4 Disciplinary Action

- 2.4.1 A goal of disciplinary action is to protect the health and safety of all students by deterring students from using and/or possessing alcohol, drugs, or banned substances on board property or at board-sponsored events, and from coming onto board property or attending such events while being under the influence of alcohol, drugs, or other substances.
- 2.4.2 Disciplinary action is also intended to confront students with the consequences of their actions as well as to encourage the adoption of healthy life-styles.

## 2.5 Violations

Violations may include, but are not limited to:

- a) Use of tobacco products and e-cigarettes;
- b) Possession of alcohol and/or drugs for non-medical use;
- c) Being under the influence of alcohol and/or drugs for non-medical use;
- d) Distribution of alcohol, tobacco, and/or drugs on school property;
- e) Selling of alcohol, tobacco, and/or drugs on school property;
- f) Use of inhalants for the purpose of intoxication; and
- g) Use of steroids and other performance enhancing drugs.

## 2.6 The Use, Supply or Possession of Tobacco

- 2.6.1 Ontario's *Smoke-Free Ontario Act* makes it illegal for anyone to sell or supply tobacco to any person under 19 years of age.
- 2.6.2 Under the *Act*, in order to protect children from tobacco smoke, smoking or holding lighted tobacco is not allowed in public schools, neither within buildings nor on their grounds. Administrative Procedure 150 Smoking on Board Premises supports the *Act* and declares that all board buildings; vehicles and grounds are smoke-free environments for the board's staff members, students and visitors. This includes all vehicles parked on board property.
- 2.6.3 The use or supply of tobacco products and e-cigarettes on board property, including schools and school grounds, is not permitted.
- 2.6.4 Related information will be communicated orally and in writing by the principal or designate to all students at the beginning of the school year, in writing to all parents/guardians, and by signage or symbol to all visitors. This communication will constitute a **first warning**.
- 2.6.5 The principal will ensure that NO SMOKING signage is posted at each entrance and exit at the school and in washrooms. Contact the Huron or Perth Health Units if additional signage is required.
- 2.6.6 For a **first offence** of smoking or holding lit tobacco, or supplying tobacco on school property during a school year, witnessed and verified by a district staff member, the principal or designate shall confiscate the tobacco, prepare Form 356A *Smoke-Free Ontario Act* Notification, and communicate said notification to the Huron County Health Unit or Perth District Health Unit.
- 2.6.7 The principal or designate shall also forward a prescribed letter of concern stating the specific offence to the student offender, (if 18 years of age or older), or otherwise to the student's parent/guardian. The letters to be used are either Form 356B Smoking on School Property: School-Issued Warning Letter Following a First Offence or Form 356C Supplying Tobacco to Minors: School-Issued Warning Letter Following a First Offence. This communication constitutes a **second warning**.
- 2.6.8 If the principal or designate so chooses, he/she may take action as outlined in Section 2.7.9 in lieu of issuing a warning.
- 2.6.9 For any subsequent offence of smoking or holding lit tobacco, or supplying tobacco on school property, during a school year, witnessed and verified by a district staff member, the principal or designate shall:
  - a) Confiscate the tobacco; and
  - b) Notify the Smoke-Free Ontario Act Enforcement Officer using Form 356A Smoke-Free Ontario Act Notification.
- 2.6.10 The Tobacco Enforcement Officer may proceed with legal action.

- 2.6.11 Whether or not the Tobacco Enforcement Officer is able to act, the principal or designate may administer, at any point in the above process, whatever disciplinary measures are deemed to be appropriate.
- 2.6.12 In order to prevent supply or misuse, the possession or storage of tobacco on school property will be at the principal's discretion and governed by the procedure stated by the principal in any student, staff, or parent handbook or in any notices given to the general public.
- 2.6.13 Simple possession is not reportable to the Perth District Health Unit or the Huron County Health Unit or Smoke-Free Ontario Act Enforcement Officers.
- 2.6.14 The principal shall be responsible for keeping a record in the school of tobacco related offences.

## 2.7 Action Required under the *Education Act*

- 2.7.1 Police Response Required and Suspension Pending Possible Expulsion must be considered.

Incident	Police Response	School Principal's Response *
Alcohol—providing to minors	Required	Suspension pending possible expulsion must be considered
Trafficking—in drugs or weapons	Required	Suspension pending possible expulsion must be considered

- 2.7.2 Police Response Required and Suspension must be considered

Incident	Police Response	School Principal's Response*
Alcohol – possession	Required (If under 19)	Suspension must be considered
Alcohol – under the influence	Required (If under 19)	Suspension must be considered
Drugs—possession of illegal drugs	Required	Suspension must be considered

- 2.7.3 \* Mitigating and Other Circumstances

All mitigating and other factors must be considered by the principal or vice-principal, where appropriate, before deciding whether to impose a suspension or a suspension pending a possible expulsion. The mitigating and other factors are outlined in AP 353 *Student Suspension* section 4, *Factors to Consider Before Deciding to Impose a Suspension* and in AP 354 *Student Expulsion* section 3, *Mitigating and Other Factors*.

## 3. Use of Inhalants for the Purpose of Intoxication

Where a principal believes on reasonable and probable grounds that a student is using inhalants for the purpose of intoxication, the principal shall:

### 3.1.1 First Infraction:

- a) Conduct a search of the student's locker and personal effects with a witness;
- b) Consider suspending the student;

- c) Contact the parents to remove the child from school, if the student is a minor;
  - d) If unable to contact the parents, or if the student is over the age of 18, the principal shall contact another responsible adult or the police, to take the student home safely;
  - e) Inform the student and parents of counselling services available; and
  - f) Record the infraction in the principal's office.
- 3.1.2 Second Infraction:
- a) Contact the police;
  - b) Consider suspending the student;
  - c) Contact the parents if the student is a minor;
  - d) If unable to contact the parents, or if the student is over the age of 18, the principal shall contact another responsible adult or the police, to take the student home safely;
  - e) Arrange for suitable counselling for the student; and
  - f) Record the infraction in the principal's office.
- 3.1.3 Subsequent Infractions:
- Continued infractions may be viewed as conduct so refractory that the student's presence is injurious to other students, and this may lead to expulsion.

#### **4. Use of Steroids and other Performance-Enhancing Drugs**

Where a principal believes on reasonable and probable grounds that a student appears to be using performance and/or appearance-enhancing drugs without medical prescription and supervision, the principal may:

- 1) Contact the police;
- 2) Conduct a search of the student's locker and personal effects with a witness;
- 3) Ban the student from competition and access to extra-curricular school fitness facilities for twelve months from date of infraction;
- 4) Contact the parents if the student is under the age of 18;
- 5) Refer the student to the family physician or a community resource agency;
- 6) Record the infraction in the principal's office; and
- 7) Not re-admit the student to the inter-school sport program or extra-curricular fitness facilities until:
  - i) The twelve months have expired,
  - ii) The student declares that he/she has been drug free for a period of one year, and
  - iii) A letter has been received from a community resource agency stating that the student has completed a counselling program.