

**DRUG FREE SCHOOLS**

**3.42**

No person shall be in possession of or be under the influence of an intoxicating beverage or an illegal mood or behavior-modifying or controlled substance or use or be in possession of tobacco or tobacco products, as defined by Florida Statutes, while on school property, at school-sponsored activities, or while on school trips involving students.

- (1) The following words and phrases shall be the following meanings, unless the context requires otherwise.
  - (a) Other Drugs means any substance other than food or water that is intended to be taken or administered (ingested, injected, applied, implanted, inhaled, etc.) for the purpose of altering, sustaining, or controlling the recipient's physical, mental, or emotional state. Drugs may include, but not be limited to, alcoholic beverages; controlled substances such as marijuana, hallucinogens, cocaine, barbiturates, amphetamines, narcotic, and non-authorized prescription drugs.
  - (b) "Controlled substances" include those substances specifically identified as having potential for abuse and those identified in Schedules I through V of Section 202 of the Controlled Substances Act (21 USC \*21) and as further defined by regulation at 21 CAR 1300.11 through 1300.15.
  - (c) "Sale" means the actual, constructive, or attempted transfer from one (1) person to another for any consideration or remuneration whatsoever.
  - (d) "Distributing" means the actual, constructive or attempted transfer from one (1) person to another without remuneration whatsoever.
  - (e) "Possesses" means having or holding of property or the state of owning or having in one's hands.
  - (f) "Extra Curricular Activities" any school sponsored activity that is not credit earning or that is not a requirement for a credit earning course. Participation in graduation and baccalaureate exercises is excluded as it pertains to paragraphs (2) and (3) below.

## **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

- (2) Any student who sells, or is otherwise distributing intoxicating beverages, controlled or harmful substances, or drugs to any person on the School Board property or at any school sponsored activity shall be suspended for a period of at least ten (10) school days and denied participation in all extracurricular activities for at least one (1) calendar year from the first day of the initial suspension, and may be expelled from school for the remainder of the school year. For the purpose of this policy, extra curricular shall not include the baccalaureate or the graduation exercises. However, if the incident occurs during the last nine (9) weeks, the student may also be expelled for all or a portion of the next school year. The School Board may require a determined number of hours of community work experience and mandatory school probation in lieu of expulsion for all or a portion of the next year.
- (3) Any student possessing or under the influence of intoxicating beverages, controlled or harmful substances, and/or drugs, on school board property or at any school-sponsored activity shall be suspended for ten (10) school days. However, the student may also be expelled for all or a portion of the following school year. Any student possessing or under the influence of controlled substances as defined herein shall have a mandatory hearing before the School Board, prior to expulsion.
- (4) The appropriate law enforcement agency shall be notified immediately in each instance where a student is found to be in violation of this policy.
- (5) Pursuant to Florida Statutes, if a student is adjudicated guilty for the unlawful possession or sale of any controlled substance under chapter 893, Florida Statutes, the student shall automatically be subject to the above provisions.
- (6) At all elementary schools in circumstances involving possession, the elementary principal shall try to determine intent prior to enforcing suspension. On first offense cases if the principal determines that a legitimate use exists (e.g., medication), the student shall be reprimanded and parent(s) or legal guardian notified of the violation and warned of their child's suspension if subsequent violation of the possession rule occurs.
- (7) All school personnel shall report, in good faith, to the principal of the respective school or the principal's designee any suspected unlawful use, possession or sale of any controlled substance as defined by Section 893.02(3). Florida Statutes, any controlled substance or any alcoholic beverage. Only the principal or the principal's designee shall contact a parent(s) or legal guardian of a student regarding this issue.

### **CHAPTER 3.00 - SCHOOL ADMINISTRATION**

- (8) When two or more school officials have reasonable suspicion that an adult student at the Florida Panhandle Technical College is under the influence of intoxicating beverages or controlled substances the adult student will be asked to submit to a urinalysis at School Board expense. In the event that an adult student refuses to be tested, he/she will be dismissed from the instructional program and forfeit all paid fees. If the adult student submits to testing, he/she will be allowed to attend classroom instruction prior to the receipt of the results, but may not use any equipment or be involved in class activities that may pose a danger to himself/herself or others if under the influence. If the urinalysis is negative the adult student will return to all activities and reasonable accommodations will be made to allow the adult student to make up any missed work or activity.

If there is a positive result the adult student will not be allowed to attend any classes or activities on School Board property until a careful review is made by the administration. The adult student may be required to complete a substance abuse program prior to re-entry. In all cases, the adult student will be tested prior to return to class and will be responsible for the expense of the return to class testing as well as for follow-up testing that may be required by the school officials.

The referral or dismissal of any adult student for positive drug testing results will be handled in a confidential manner to avoid any potential embarrassment to the adult student.

- (9) All principals are hereby directed to advise an individual who has an alcoholic beverage in his/her possession to leave the school premises immediately.
- (10) Any person having purchased an admission ticket to a school event shall forfeit his/her rights under this rule by having an alcoholic beverage in his/her possession at the event.
- (11) Any person who has been given notice by a school official and either fails to leave the premises or leaves, but returns to the premises in possession of an alcoholic beverage shall be deemed a trespasser. The police or other proper law enforcement agency may be notified to arrest the trespasser.
- (12) While on school-sponsored trips, the following action may become necessary:
- (a) Alcoholic beverages in possession of minors will be seized.

## CHAPTER 3.00 - SCHOOL ADMINISTRATION

- (b) Students and/or adults in possession of alcoholic beverages may be sent back and/or other appropriate action taken.

### STATUTORY AUTHORITY:

1001.41; 1001.42, F.S.

### LAWS IMPLEMENTED:

1001.43; 1012.22; 1012.27, F.S.

### HISTORY:

### ADOPTED:

REVISION DATE(S): 11/11/02; 06/08/09 (EDITORIAL); 12/08/2014; 08/08/2016 (EDITORIAL)

FORMERLY: 2.116, 3.107, 3.108,  
3.160, 6.170, 8.212