

SCHOOLS WITHOUT DRUGS - A PLAN FOR US ALL

A Plan for Achieving Schools Without Drugs

PARENTS:

1. Teach standards of right and wrong, and demonstrate these standards through personal example.
2. Help children to resist peer pressure to use alcohol and other drugs by supervising their activities, knowing who their friends are, and talking with them about their interests and problems.
3. Be knowledgeable about drugs and signs of drug use. When symptoms are observed, respond promptly.

SCHOOLS:

4. Determine the extent and character of alcohol and other drug use and monitor that use regularly.
5. Establish clear and specific rules regarding alcohol and other drug use that include strong corrective actions.
6. Enforce established policies against drug use fairly and consistently. Ensure adequate security measures to eliminate drugs from school premises and school functions.
7. Implement a comprehensive drug prevention curriculum for kindergarten through grade 12, teaching that drug use is wrong and harmful, and supporting and strengthening resistance to drugs.
8. Reach out to the community for support and assistance in making the school's anti-drug policy and program work. Develop collaborative arrangements in which school personnel, parents, school boards, law enforcement officers, treatment organizations, and private groups can work together to provide necessary resources.

STUDENTS:

9. Learn about the effects of alcohol and other drug use, the reasons why drugs are harmful, and ways to resist pressures to try drugs.
10. Use an understanding of the danger posed by alcohol and

other drugs to help other students avoid them. Encourage other students to resist drugs, persuade those using drugs to seek help, and report those selling drugs to parents and the school principal.

COMMUNITIES:

11. Help schools fight drugs by providing them with the expertise and financial resources of community groups and agencies.

12. Involve local law enforcement agencies in all aspects of drug prevention: assessment, enforcement, and education. The police and courts should have well-established relationships with the schools.

"I felt depressed and hurt all the time. I hated myself for the way I hurt my parents and treated them so cruelly and for the way I treated others. I hated myself the most, though, for the way I treated myself. I would take drugs until I overdosed, and fell further and further behind in school and work and relationships with others. I just didn't care anymore whether I lived or died. I stopped going to school altogether I felt constantly depressed and began having thoughts of suicide, which scared me a lot! I didn't know where to turn..."

--Stewart, a high school student

CHILDREN AND DRUGS

When 13- to 18-year-olds were asked to name the biggest problem facing young people today, drug use led the list. In 1987, 54 percent of teens cited drugs as their greatest concern--up from 27 percent only 10 years earlier.

Eighty-nine percent of teens oppose legalization of marijuana, and 77 percent believe it would be wrong to decriminalize the possession of small amounts of marijuana.

Drugs and alcohol rank high on the list of topics that teens wish they could discuss more with their parents--42 percent want more discussions with parents about drugs, and 39 percent feel the need to talk about drinking.

--The Gallup Youth Surveys, 1987 and 1988

Adult's share this concern, ranking student drug use as the most serious problem facing our nation's schools for the third consecutive year.

--20th Annual Gallup Poll of the Public's Attitudes
Toward Public Schools, 1988

Children and Drugs

Americans have consistently identified drug use as being among the top problems confronting the nation's schools. Yet many do not recognize the degree to which their own children, their own schools, and their own communities are at risk.

Research shows that drug use among children is 10 times more prevalent than parents suspect. In addition, many students know that their parents do not recognize the extent of drug use; as a result, some young people believe that they can use drugs with impunity.

School administrators and teachers often are unaware that some of their students are using and selling drugs on school property. As Ralph Egers, former superintendent of schools in South Portland, Maine, put it, "We'd like to think that our kids don't have this problem, but the brightest kid from the best family in the community could have the problem."

The facts are:

- * Drug use is not confined to young people in certain geographic areas or from particular economic backgrounds; drug use affects young people throughout the nation.
- * Drugs are a serious problem not only among high school students but among middle and elementary school students as well.
- * Heavy drinking, defined as five or more drinks on one occasion, is reported by 30 percent of high school seniors, and more than one-half are occasional users of alcohol.
- * All illegal drugs are dangerous; there is no such thing as safe or responsible use of illegal drugs.
- * Although drug trafficking is controlled by adults, the immediate source of drugs for most students is other students.

Continuing misconceptions about the drug problem stand in the way of corrective action. The following section

outlines the nature and extent of the problem and summaries the latest research on the effects of drugs on students and schools.

Extent of Alcohol and Other Drug Use

Drug use is widespread among American schoolchildren. Although a national study of high school seniors in 1991 shows that drug use among young people is declining, the figures remain unacceptably high (see Figure 2). The United States continues to have the highest rate of teenage drug use of any nation in the industrialized world. Forty-four percent of high school seniors have tried an illicit drug by the time they graduate. Alcohol is the most widely used drug. By their senior year, 88 percent of students in the class of 1991 had used alcohol; 78 percent had used alcohol in the past year and 54 percent had used it in the month prior to the survey. Thirty percent of seniors surveyed reported at least one occasion of heavy drinking in the two weeks prior to the survey--an occasion in which they had five or more drinks in a row.

Twenty-four percent of 1991 seniors reported using marijuana in the past year, and 14 percent said they had used it at least once in the previous month. Three and one-half percent of seniors indicated that they had used cocaine in the past year. Three percent of seniors had used crack, and 1.5 percent had used it within the last year.

The drug problem affects all types of students. All regions and all types of communities show high levels of drug use. Thirty percent of 1990 high school seniors in nonmetropolitan areas reported illicit drug use in the previous year, while the rate for seniors in large metropolitan areas was 33 percent. Although higher proportions of males are involved in illicit drug use, specially heavy drug use, the gap between the sexes is closing. The extent to which high school seniors reported having used illicit drugs is higher for whites than for blacks.

Initial use of alcohol and other drugs occurs at an increasingly early age. Nineteen percent of seniors report they had initiated cigarette use by sixth grade and 11 percent had used alcohol. Forty-four percent of 8th graders have tried cigarettes, and 70 percent have at least tried alcohol. Twenty-seven percent of 8th graders have gotten drunk at least once, and 13 percent report they have consumed five or more drinks in a row. Of the illicit drugs, marijuana and inhalants show the earliest pattern of

initiation; about 2.8 percent of seniors had begun using both of these substances by the 6th grade. The peak initiation rate is reached by 9th grade. Peak initiation rates for cocaine and hallucinogens are reached in 10th and 11th grade with the initiation rate for nearly all drugs falling off by 12th grade.

Fact Sheet

Youth and Alcohol

Alcohol is the number one drug problem among youth. The easy availability, widespread acceptability, and extensive promotion of alcoholic beverages within our society make alcohol the most widely used and abused drug.

- * Alcohol use is widespread. By their senior year of high school nearly 90 percent of students will have tried alcoholic beverages. Despite a legal drinking age of 21, junior and senior high school students drink 35 percent of all wine coolers sold in the United States. They also drink an estimated 1.1 billion bottles and cans of beer each year.
- * Drinking has acute effects on the body. The heavy, fast-paced drinking that young people commonly engage in quickly alters judgment, vision, coordination, and speech and often leads to dangerous risk-taking behavior. Because young people have lower body weight than adults, youth absorb alcohol into their blood system faster than adults and exhibit greater impairment for longer periods of time. Alcohol use not only increases the likelihood of being involved in an accident, it increases the risk of serious injury in an accident because of its harmful effects on numerous parts of the body.
- * Alcohol-related highway accidents are the principal cause of death among young people ages 15 through 24. Alcohol use is the primary cause of traffic accidents involving teenage drivers. Furthermore, about half of all youthful deaths in drowning, fires, suicide, and homicide are alcohol-related.
- * Any alcoholic beverage can be misused. Contrary to popular belief, drinking beer or wine can have effects similar to drinking "hard" liquor. A bottle of beer, a glass of wine, or a bottle of wine cooler have about the same amount of ethyl alcohol as a drink made with liquor. Those who drive "under the influence" are most

likely to have been drinking beer.

- * Early alcohol use is associated with subsequent alcohol dependence and related health problems. Youth who use alcohol at a younger age are more likely to use alcohol heavily and to experience alcohol-related problems affecting their relationships with family and friends by late adolescence. Their school performance is likely to suffer, and they are more likely to be truant. They are also more likely to abuse other drugs and to get in trouble with the law, or, if they are girls, to become pregnant.

Effects of Drug Use

The drugs students are taking today are more potent, more dangerous, and more addictive than ever.

Adolescents are particularly vulnerable to the effects of drugs. Drugs threaten normal development in a number of ways:

- * Drugs can interfere with memory, sensation, and perception. They distort experiences and cause a loss of self-control that can lead users to harm themselves and others.
- * Drugs interfere with the brain's ability to take in, sort, and synthesize information. As a result, sensory information runs together, providing new sensations while blocking normal ability to understand the information received.
- * Drugs can have an insidious effect on perception; for example, cocaine and amphetamines often give users a false sense of functioning at their best while on the drug.

Drug suppliers have responded to the increasing demand for drugs by developing new strains, producing reprocessed, purified drugs, and using underground laboratories to create more powerful forms of illegal drugs. Consequently, users are exposed to heightened or unknown levels of risk.

- * The marijuana produced today is from 5 to 20 times stronger than that available as recently as 10 years ago. Regular use by adolescents has been associated with an "amotivational syndrome," characterized by apathy and loss of goals. Research has shown that severe psychological damage, including paranoia and psychosis, can occur when marijuana contains 2 percent

THC, its major psychoactive ingredient. Since the early 1980s, most marijuana has contained from 4 to 6 percent THC—two or three times the amount capable of causing serious damage.

- * Crack is a purified and highly addictive form of cocaine.
- * Phencyclidine (PCP), first developed as an animal tranquilizer, has unpredictable and often violent effects. Often children do not even know that they are using this drug when PCP-laced parsley in cigarette form is passed off as marijuana, or when PCP in crystal form is sold as lysergic acid (LSD).
- * Some of the "designer" drugs, slight chemical variations of existing illegal drugs, have been known to cause permanent brain damage with a single dose.

Further information about drugs is presented in the Resources Section.

Fact Sheet

Cocaine: Crack

Cocaine is readily available. Fifty-one percent of seniors say it would be easy for them to get cocaine. Most alarming is the ready availability of cocaine in a cheap but potent form called crack or rock. Crack is a purified form of cocaine that is smoked.

- * Crack is inexpensive to try. Crack is available for as little as \$5. As a result, the drug is affordable to many potential users, including high school and even elementary school students.
- * Crack is easy to use. It is sold in pieces resembling small white gravel or soap chips and is sometimes pressed into small pellets. Crack can be smoked in a pipe or put into a cigarette. The visible effects disappear within minutes after smoking, so detection is difficult.
- * Crack is extremely addictive. Crack is far more addictive than heroin or barbiturates. Because crack is smoked, it is quickly absorbed into the blood stream. It produces a feeling of extreme euphoria, peaking within seconds. Repeated use of crack can lead to addiction within a few days.

- * Crack leads to crime and severe psychological disorders. Many youths, once addicted, have turned to stealing, prostitution, and drug dealing in order to support their habit. Continued use can produce violent behavior and psychotic states similar to schizophrenia.
- * Crack is deadly. Cocaine in any form, including crack, can cause sudden death from cardiac arrest or respiratory failure.

Drug Use and Learning

Drugs erode the self-discipline and motivation necessary for learning. Pervasive drug use among students creates a climate in the schools that is destructive to learning.

Research shows that drug use can cause a decline in academic performance. This has been found to be true for students who excelled in school prior to drug use as well as for those with academic or behavioral problems prior to use. According to one study, students using marijuana were twice as likely to average D's and F's as other students. The decline in grades often reverses when drug use is stopped.

Drug use is closely tied to being truant and dropping out of school. High school seniors who are heavy drug users are more than three times as likely to skip school as nonusers. About one-fifth of heavy users skipped three or more school days a month, more than six times the truancy rate of nonusers. In a Philadelphia study, dropouts were almost twice as likely to be frequent drug users as were high school graduates; four in five dropouts used drugs regularly.

Drug use is associated with crime and misconduct that disrupt the maintenance of an orderly and safe school atmosphere conducive to learning. Drugs not only transform schools into marketplaces for dope deals, they also lead to the destruction of property and to classroom disorder. Among high school seniors, heavy drug users were more than three times as likely to vandalize school property and twice as likely to have been involved in a fight at school or at work as nonusers. Students on drugs create a climate of apathy, disruption, and disrespect for others. For example, among teenage callers to a national cocaine hotline, 32 percent reported that they sold drugs, and 64 percent said that they stole from family, friends, or

employers to buy drugs. A drug-ridden environment is a strong deterrent to learning not only for drug users but for other students as well.

A PLAN FOR ACTION

To combat student drug use most effectively, the entire community must be involved: parents, schools, students, law enforcement authorities, religious groups, social service agencies, and the media. They all must transmit a single consistent message that drug use is wrong and dangerous, and it will not be tolerated. This message must be reinforced through strong, consistent law enforcement and disciplinary measures.

The following recommendations and examples describe actions that can be taken by parents, schools, students, and communities to stop drug use. These recommendations are derived from research and from the experiences of schools throughout the country. They show that the drug problem can be overcome.

WHAT PARENTS CAN DO

- * Teach standards of right and wrong, and demonstrate these standards through personal example.
- * Help children to resist peer pressure to use alcohol and other drugs by supervising their activities, knowing who their friends are, and talking with them about their interests and problems.
- * Be knowledgeable about drugs and signs of drug use. When symptoms are observed, respond promptly.

Parents

Instilling Responsibility

Recommendation #1:

Teach standards of right and wrong and demonstrate these standards through personal example.

Children who are brought up to value individual responsibility and self-discipline and to have a clear sense of right and wrong are less likely to try drugs than those who are not. Parents can help to instill these values

by:

- * Setting a good example for children and not using drugs themselves.
- * Explaining to their children at an early age that drug use is wrong, harmful, and unlawful, and reinforcing this teaching throughout adolescence.
- * Encouraging self-discipline by giving children regular duties and holding them accountable for their actions.
- * Establishing standards of behavior concerning drugs, drinking, dating, curfews, and unsupervised activities, and enforcing them consistently and fairly.
- * Encouraging their children to stand by their convictions when pressured to use drugs.

Central Elementary
Gulfport, Mississippi

Every afternoon after the last bell rings, the POP (Parents on Patrol) Team springs into action. With their T-shirts proclaiming "Drug-Free Body" and whistles at the ready, their mission is to ensure that all children get off the school grounds and on their way home safely. POPs are also posted several blocks away from campus. They send a strong signal to any dealers and drug users who may be in the neighborhood (which has the highest rate of drug-related crime in Gulfport), that these children have higher goals, healthier aspirations.

The POP team is just one way parents are involved in the drug prevention program at Central Elementary. Spurred, in part, by the high rate of drug activity in the school's surrounding neighborhood, the Central staff made an early commitment to involving parents, grandparents, aunts, uncles and other caregivers in all aspects of the program's development.

The school helped train parents to go into the community--to churches and social centers--to teach drug awareness and provide child rearing classes. Newsletters and home visits support Central's outreach.

Inherent in the school's drug prevention program is the philosophy that the best prevention is providing healthy, challenging activities for the mind. High on Checkers is just one such program. Central checker players

not only compete within the school, they take field trips to the "checker capital of the world" 70 miles from Gulfport. Central champions have even played in tournaments in Russia and England. Parent volunteers make travel possible by seeking donations, holding fund-raising events, and serving as chaperons.

Teachers and parents also devote time and energy to other activities such as the highly acclaimed Boys Choir, a problem-solving club called the Think Tank, and the Central Student Council, one of the few elementary councils in Mississippi.

Parents may also volunteer to read to students, to help with the physical education program, or to be a "buddy" in the cafeteria. Several parents have acknowledged that the Central drug-free efforts have made a positive difference not only in the lives of their children, but in their own lives as well.

Parents

Supervising Activities

Recommendation #2:

Help children to resist peer pressure to use alcohol and other drugs by supervising their activities, knowing who their friends are, and talking with them about their interests and problems.

When parents take an active interest in their children's behavior, they provide the guidance and support children need to resist drugs. Parents can do this by:

- * Knowing their children's whereabouts, activities, and friends.
- * Working to maintain and improve family communications and listening to their children.
- * Being able to discuss drugs knowledgeably. It is far better for children to obtain their information from their parents than from their peers or on the street.
- * Communicating regularly with the parents of their children's friends and sharing their knowledge about drugs with other parents.
- * Being selective about their children's viewing of

television and movies that portray drug use as glamorous or exciting.

In addition, parents can work with the school in its efforts to fight drugs by:

- * Encouraging the development of a school policy with a clear no-use message.
- * Supporting administrators who are tough on drugs.
- * Assisting the school in monitoring students' attendance and planning and chaperoning school-sponsored activities.
- * Communicating regularly with the school regarding their children's behavior.

Fact Sheet

Signs of Drug Use

Changing patterns of performance, appearance, and behavior may signal use of drugs. The items in the first category listed below provide direct evidence of drug use; the items in the other categories offer signs that may indicate drug use. Adults should watch for extreme changes in children's behavior, changes that together form a pattern associated with drug use.

Signs of Drugs and Drug Paraphernalia

- * Possession of drug-related paraphernalia such as pipes, rolling papers, small decongestant bottles, eye drops, or small butane torches.
- * Possession of drugs or evidence of drugs, such as pills, white powder, small glass vials, or hypodermic needles; peculiar plants or butts, seeds, or leaves in ashtrays or in clothing pockets.
- * Odor of drugs, smell of incense or other "cover-up" scents.

Identification with Drug Culture

- * Drug-related magazines, slogans on clothing.

- * Conversation and jokes that are preoccupied with drugs.
- * Hostility in discussing drugs.
- * Collection of beer cans.

Signs of Physical Deterioration

- * Memory lapses, short attention span, difficulty in concentration.
- * Poor physical coordination, slurred or incoherent speech.
- * Unhealthy appearance, indifference to hygiene and grooming.
- * Bloodshot eyes, dilated pupils.

Dramatic Changes in School Performance

- * Marked downturn in student's grades--not just from C's to F's, but from A's to B's and C's; assignments not completed.
- * Increased absenteeism or tardiness.

Changes in Behavior

- * Chronic dishonesty (lying, stealing, cheating); trouble with the police.
- * Changes in friends, evasiveness in talking about new ones.
- * Possession of large amounts of money.
- * Increasing and inappropriate anger, hostility, irritability, secretiveness.
- * Reduced motivation, energy, self-discipline, self-esteem.
- * Diminished interest in extracurricular activities and

hobbies.

Parents

Recognizing Drug Use

Recommendation #3:

Be knowledgeable about drugs and signs of drug use. When symptoms are observed, respond promptly.

Parents are in the best position to recognize early signs of drug use in their children. To inform and involve themselves, parents should take the following steps:

- * Learn about the extent of the drug problem in their community and in their children's schools.
- * Learn how to recognize signs of drug use.
- * Meet with parents of their children's friends or classmates about the drug problem at their school. Establish a means of sharing information to determine which children are using drugs and who is supplying them.

Parents who suspect their children are using drugs often must deal with their own emotions of anger, resentment, and guilt. Frequently they deny the evidence and postpone confronting their children. Yet, the earlier a drug problem is detected and faced, the less difficult it is to overcome. If parents suspect that their children are using drugs, they should take the following steps:

- * Devise a plan of action. Consult with school officials and other parents.
- * Discuss their suspicions with their children in a calm, objective manner. Do not confront a child while he or she is under the influence of alcohol or other drugs.
- * Impose disciplinary measures that help remove the child from those circumstances where drug use might occur.
- * Seek advice and assistance from drug treatment professionals and from a parent group. (For further information, consult the Resources Section)

WHAT SCHOOLS CAN DO

- * Determine the extent and character of alcohol and other drug use and monitor that use regularly.
- * Establish clear and specific rules regarding alcohol and other drug use that include strong corrective actions.
- * Enforce established policies against alcohol and other drug use fairly and consistently. Ensure adequate security measures to eliminate drugs from school premises and school functions.
- * Implement a comprehensive drug prevention curriculum for kindergarten through grade 12, teaching that drug use is wrong and harmful, and supporting and strengthening resistance to drugs.
- * Reach out to the community for support and assistance in making the school's anti-drug policy and program work. Develop collaborative arrangements in which school personnel, parents, school boards, law enforcement officers, treatment organizations, and private groups can work together to provide necessary resources.

Schools

Assessing the Problem

Recommendation #4:

Determine the extent and character of alcohol and other drug use and monitor that use regularly.

School personnel should be informed about the extent of drugs in their school. School boards, superintendents, and local public officials should support school administrators in their efforts to assess the extent of the drug problem and to combat it.

To guide and evaluate effective drug prevention efforts, schools need to take the following actions:

- * Conduct anonymous surveys of students and school personnel and consult with local law enforcement

officials to identify the extent of the drug problem.

- * Bring together school personnel to identify areas where drugs are being used and sold.
- * Meet with parents to help determine the nature and extent of drug use.
- * Maintain records on drug use and sale in the school over time, for use in evaluating and improving prevention efforts. In addition to self-reported drug use patterns, records may include information on drug-related arrests and school discipline problems.
- * Inform the community, in straightforward language, of the results of the school's assessment of the drug problem.

Schools

Setting Policy

Recommendation #5:

Establish clear and specific rules regarding alcohol and other drug use that include strong corrective actions.

School policies should clearly establish that drug use, possession, and sale on the school grounds and at school functions will not be tolerated. These policies should apply both to students and to school personnel, and may include prevention, intervention, treatment, and disciplinary measures.

School policies should have the following characteristics:

- * Specify what constitutes a drug offense by defining (1) illegal substances and paraphernalia; (2) the area of the school's jurisdiction, for example, the school property, its surroundings, and all school-related events, such as proms and football games; and (3) the types of violations (drug possession, use, and sale).
- * State the consequences for violating school policy; punitive action should be linked to referral for treatment and counseling. Measures that schools have found effective in dealing with first-time offenders include the following:

- A required meeting of parents and the student with school officials, concluding with a contract signed by the student and parents in which they both acknowledge a drug problem and the student agrees to stop using and to participate in drug counseling or a rehabilitation program.
- Suspension, assignment to an alternative school, in-school suspension, after-school or Saturday detention with close supervision, and demanding academic assignments.
- Referral to a drug treatment expert or counselor.
- Notification of police.

Penalties for repeat offenders and for sellers may include expulsion, legal action, and referral for treatment.

* Describe procedures for handling violations, including the following:

- Legal issues associated with disciplinary actions (confidentiality, due process, and search and seizure) and their application.
 - Circumstances under which incidents should be reported and the responsibilities and procedures for reporting incidents, including the identification of the authorities to be contacted.
 - Procedures for notifying parents when their child is suspected of using drugs or is caught with drugs.
 - Procedures for notifying police.
- * Enlist legal counsel to ensure that all policy is in compliance with applicable Federal, State, and local laws.
- * Build community support for the policy. Hold open meetings where views can be aired and differences resolved.

SEARCHING FOR DRUGS WITHIN THE SCHOOL

In some circumstances, the most important tool for controlling drug use is an effective program of drug searches.

School administrators should not condone the presence of drugs anywhere on school property. The presence of any drugs or drug-related materials in school can mean only one thing--that drugs are being used or distributed in school. Schools committed to fighting drugs should do everything they can to determine whether school grounds are being used to facilitate the possession, use, or distribution of drugs, and to prevent such crimes.

To institute an effective drug search policy in schools with a substantial problem, school officials can take several steps. First, they can identify the specific areas in the school where drugs are likely to be found or used. Student lockers, bathrooms, and "smoking areas" are obvious candidates. Second, school administrators can clearly announce in writing at the beginning of the school year that these areas will be subject to unannounced searches and that students should consider such areas "public" rather than "private." The more clearly a school specifies, that these portions of the school's property are public, the less likely it is that a court will conclude that students retain any reasonable expectation of privacy in these places and the less justification will be needed to search such locations.

School officials should therefore formulate and disseminate to all students and staff a written policy that will permit an effective program of drug searches. Courts have usually upheld locker searches where schools have established written policies under which the school retains joint control over student lockers, maintains duplicate or master keys for all lockers, and reserves the right to inspect lockers at any time.⁶ Although these practices have not become established law in every part of the country, it will be easier to justify locker searches in schools that have such policies. Moreover, the mere existence of such policies can have a salutary effect. If students know that their lockers may be searched, drug users will find it much more difficult to obtain drugs in school.

The effectiveness of such searches may be improved with the use of specially trained dogs. Courts have generally held that the use of dogs to detect drugs on or in objects such as lockers, ventilators, or desk, as opposed to persons is not a "search" within the meaning of the Fourth Amendment.⁷ Accordingly, school administrators are generally justified in using dogs in this way.

It is important to remember that any illicit drugs and drug-related items discovered at school are evidence that may be used in a criminal trial. School officials should be careful, first, to protect the evidentiary integrity of such seizures by making sure that the items are obtained in permissible searches, because unlawfully acquired evidence will

not be admissible in criminal proceedings. Second, school officials should work closely with local law enforcement officials to preserve, in writing, the nature and circumstances of any seizure of drug contraband. In a criminal prosecution, the State must prove that the items produced as evidence in court are the same items that were seized from the suspect. Thus, the State must establish a "chain of custody" over the seized items which accounts for the possession of the evidence from the moment of its seizure to the moment it is introduced in court. School policy regarding the disposition of drug-related items should include procedures for the custody and safekeeping of drugs and drug-related materials prior to their removal by the police and procedures for recording the circumstances regarding the seizure.

Searching Students

In some circumstances, teachers or other school personnel will wish to search a student whom they believe to be in possession of drugs. The Supreme Court has stated that searches may be carried out according to "the dictates of reason and common sense."⁸ The Court has recognized that the need of school authorities to maintain order justifies searches that might otherwise be unreasonable if undertaken by police officers or in the larger community. Thus the Court has held that school officials, unlike the police, do not need "probable cause" to conduct a search. Nor do they need a search warrant.⁹

Under the Supreme Court's ruling:

- * School officials may institute a search if there are "reasonable grounds" to believe that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school.
- * The extent of the permissible search will depend on whether the measures used are reasonably related to the purpose of the search and are not excessively intrusive in light of the age and sex of the student.
- * School officials are not required to obtain search warrants when they carry out searches independent of the police and other law enforcement officials. A more stringent legal standard may apply if law enforcement officials are involved in the search.

Interpretation of "Reasonable Grounds"

Lower courts are beginning to interpret and apply the "reasonable grounds" standard in the school setting. From these cases it appears that courts will require more than general suspicion, curiosity, rumor, or a hunch to justify searching students or their possessions. Factors that will help sustain a search include the observation of specific and describable behavior or activities leading one reasonably to believe that a given student is engaging in or has engaged in prohibited conduct. The more specific the evidence in support of searching a particular student, the more likely the search will be upheld. For example, courts using a "reasonable grounds" (or similar) standard have upheld the right of school officials to search the following:

- * A student's purse, after a teacher saw her smoking in a restroom and the student denied having smoked or being a smoker.¹⁰
- * A student's purse, after several other students said that she had been distributing firecrackers.¹¹
- * A student's pockets, based on a phone tip about drugs from an anonymous source believed to have previously provided accurate information.¹²

Scope of Permissible Search

School officials are authorized to conduct searches within reasonable limits. The Supreme Court has described two aspects of these limits. First, when officials conduct a search, they must use only measures that are reasonably related to the purpose of the search; second, the search may not be excessively intrusive in light of the age or sex of the student.

For example, if a teacher believes he or she has seen one student passing a marijuana cigarette to another student, the teacher might reasonably search the students and any nearby belongings in which the students might have tried to hide the drug. If it turns out that what the teacher saw was a stick of gum, the teacher would have no justification for any further search for drugs.

The more intrusive the search, the greater the justification that will be required by the courts. A search of a student's jacket or bookbag can often be justified as reasonable. At the other end of the spectrum, strip searches are considered a highly intrusive invasion of individual privacy and are viewed with disfavor by the courts (although even these searches have been upheld in certain extraordinary

circumstances).

School officials do not necessarily have to stop a search if they find what they are looking for. If the search of a student reveals items that create reasonable grounds for suspecting that the student may also possess other evidence of crime or misconduct, the school officials may continue the search. For example, if a teacher justifiably searches a student's purse for cigarettes and finds rolling papers like those used for marijuana cigarettes, it will then be reasonable for the teacher to search the rest of the purse for other evidence of drugs.

Consent

If a student consents to a search, the search is permissible, regardless of whether there would otherwise be reasonable grounds for the search. To render such a search valid, however, the student must give consent knowingly and voluntarily.

Establishing whether the student's consent was voluntary can be difficult, and the burden is on the school officials to prove voluntary consent. If a student agrees to be searched out of fear or as a result of other coercion, that consent will probably be found invalid. Similarly, if school officials indicate that a student must agree to a search or if the student is very young or otherwise unaware that he or she has the right to object, the student's consent will also be held invalid. School officials may find it helpful to explain to students that they do not have to consent to a search. In some cases, standard consent forms may be useful.

If a student is asked to consent to a search and refuses, that refusal does not mean that the search may not be conducted. Rather, in the absence of consent, school officials retain the authority to conduct a search when there are reasonable grounds to justify it, as described previously.

Procedural Guidelines

Students facing suspension or expulsion from school are entitled under the U.S. Constitution and most State constitutions to commonsense due process protections of notice and an opportunity to be heard. Because the Supreme Court has recognized that a school's ability to maintain order would be impeded if formal procedures were required every time school

authorities sought to discipline a student, the Court has held that the nature and formality of the "hearing" will depend on the severity of the sanction being imposed.

A formal hearing is not required when a school seeks to suspend a student for 10 days or less.¹⁸ The Supreme Court has held that due process in that situation requires only that:

- * The school must inform the student, either orally or in writing, of the charges against him or her and of the evidence to support those charges.
- * The school must give the student an opportunity to deny the charges and present his or her side of the story.
- * As a general rule, this notice and rudimentary hearing should precede a suspension. However, a student whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such a situation, the notice and rudimentary hearing should follow as soon as possible.

The Supreme Court has also stated that more formal procedures may be required for suspensions longer than 10 days and for expulsions. Although the Court has not established specific procedures to be followed in those situations, other Federal courts have set the following guidelines for expulsions.¹⁹ These guidelines would apply to suspensions longer than 10 days as well:

- * The student must be notified in writing of the specific charges against him or her which, if proven, would justify expulsion.
- * The student should be given the names of the witnesses against him or her and an oral or written report on the facts to which each witness will testify.
- * The student should be given the opportunity to present a defense against the charges and to produce witnesses or testimony on his or her behalf.

Many States have laws governing the procedures required for suspensions and expulsions. Because applicable statutes and judicial rulings vary across the country, local school districts may enjoy a greater or lesser degree of flexibility in establishing procedures for suspensions and expulsions.

School officials must also be aware of the special procedures that apply to suspension or expulsion of students with disabilities under Federal law and regulations.²⁰

Effect of Criminal Proceedings Against a Student

A school may usually pursue disciplinary action against a student regardless of the status of any outside criminal prosecution. That is, Federal law does not require the school to await the outcome of the criminal prosecution before initiating proceedings to suspend or expel a student or to impose whatever other penalty is appropriate for the violation of the school's rules. In addition, a school is generally free under Federal law to discipline a student when there is evidence that the student has violated a school rule, even if a juvenile court has acquitted (or convicted) the student or if local authorities have declined to prosecute criminal charges stemming from the same incident. Schools may wish to discuss this subject with counsel.

Effect of Expulsion

State and local law will determine the effect of expelling a student from school. Some State laws require the provision of alternative schooling for students below a certain age. In other areas, expulsion may mean the removal from public schools for the balance of the school year or even the permanent denial of access to the public school system.

CONFIDENTIALITY OF EDUCATION RECORDS

To rid their schools of drugs, school officials will periodically need to report drug-related crimes to police and to help local law enforcement authorities detect and prosecute drug offenders. In doing so, schools will need to take steps to ensure compliance with Federal and State laws governing confidentiality of student records.

The Federal law that addresses this issue is the Family Educational Rights and Privacy Act (FERPA),²¹ which applies to any school that receives Federal funding and which limits the disclosure of certain information about students that is contained in education records.²² Under FERPA, disclosure of information in education records to individuals or entities other than parents, students, and school officials is permissible only in specified situations.²³ In many cases, unless the parents or an eligible student²⁴ provides written consent, FERPA will limit a school's ability to turn over education records or to disclose information from them to the

police. Such disclosure is permitted, however, if (1) it is required by a court order or subpoena, or (2) it is warranted by a health and safety emergency. In the first of these two cases, reasonable efforts must be made to notify the student's parents before the disclosure is made. FERPA also permits disclosure if a State law enacted before November 19, 1974, specifically requires disclosure to State and local officials.

Schools should be aware, however, that because FERPA governs only the information in education records, it does not limit disclosure of other information. Thus, school employees are free to disclose any information of which they become aware through personal observation. For example, a teacher who witnesses a drug transaction may, when the police arrive, report what he or she witnessed. Similarly, evidence seized from a student during a search is not an education record and may be turned over to the police without constraint.

State laws and school policies may impose additional, and sometimes more restrictive, requirements regarding the disclosure of information about students. Because this area of the law is complicated, it is especially important that an attorney be involved in formulating school policy under FERPA and applicable State laws.

OTHER LEGAL ISSUES

Lawsuits Against Schools or School Of Officials

Disagreements between parents or students and school officials about disciplinary measures usually can be resolved informally. Occasionally, however, a school's decisions and activities relating to disciplinary matters are the subject of lawsuits by parents or students against administrators, teachers, and school systems. For these reasons, it is advisable that school districts obtain adequate insurance coverage for themselves and for all school personnel for liability arising from disciplinary actions.

Suits may be brought in Federal or State court; typically, they are based on a claim that a student's constitutional or statutory rights have been violated. Frequently, these suits will seek to revoke the school district's imposition of some disciplinary measure, for example, by ordering the reinstatement of a student who has been expelled or suspended. Suits may also attempt to recover money damages from the school district or the employee involved, or both; however, court awards of money damages are extremely rare. Moreover, although there can be no guarantee of a given result in any particular

case, courts in recent years have tended to discourage such litigation,

In general, disciplinary measures imposed reasonably and in accordance with established legal requirements will be upheld by the courts. As a rule, Federal judges will not substitute their interpretations of school rules or regulations for those of local school authorities or otherwise second-guess reasonable decisions by school officials.²⁵ In addition, school officials are entitled to a qualified good-faith immunity from personal liability for damages for having violated a student's Federal constitutional or civil rights.²⁶ When this immunity applies, it shields school officials from any personal liability for money damages. Thus, as a general matter, personal liability is very rare, because officials should not be held personally liable unless their actions are clearly unlawful, unreasonable, or arbitrary.

When a court does award damages, the award may be "compensatory" or "punitive." Compensatory damages are awarded to compensate the student for injuries actually suffered as a result of the violation of his or her rights and cannot be based upon the abstract "value" or "importance" of the constitutional rights in question.²⁷ The burden is on the student to prove that he or she suffered actual injury as a result of the deprivation. Thus, a student who is suspended, but not under the required procedures, will not be entitled to compensation if the student would have been suspended had a proper hearing been held. If the student cannot prove that the failure to hold a hearing itself caused him or her some compensable harm, then the student is entitled to no more than nominal damages, such as \$1.00.²⁸ "Punitive damages" are awarded to punish the perpetrator of the injury. Normally, punitive damages are awarded only when the conduct in question is malicious, unusually reckless, or otherwise reprehensible.

Parents and students can also claim that actions by a school or school officials have violated State law. For example, it can be asserted that a teacher "assaulted" a student in violation of a State criminal law. The procedures and standards in actions involving such violations are determined by each State. Some States provide a qualified immunity from tort liability under standards similar to the "good faith" immunity in Federal civil rights actions. Other States provide absolute immunity under their law for actions taken in the course of a school official's duties.

Nondiscrimination in Enforcement of Discipline

Federal law applicable to programs or activities receiving

Federal financial assistance prohibits school officials who are administering discipline from discriminating against students on the basis of race, color, national origin, or sex. Schools should therefore administer their discipline policies evenhandedly, without regard to such considerations. Thus, as a general matter, students with similar disciplinary records who violate the same rule in the same way should be treated similarly. For example, if male and female students with no prior record of misbehavior are caught together smoking marijuana, it would not, in the absence of other relevant factors, be advisable for the school to suspend the male student for 10 days while imposing only an afternoon detention on the female student. Such divergent penalties for the same offense may be appropriate, however, if the student who received the harsher punishment had a history of misconduct or committed other infractions after this first confrontation with school authorities.

School officials should also be aware of and adhere to the special rules and procedures for the disciplining of students with disabilities under the Individuals with Disabilities Education Act, 20 U.S.C. 1400-20 and Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794. (For legal citations, see Reference Section p. 84.)

RESOURCES