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Teenager suspended from Fairfax County school over acne drug

By Donna St. George
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Hayley Russell was 13 and worried about another acne flare-up when she brought an orange prescription bottle to Rachel Carson Middle School in Fairfax County. She placed the medication on the top shelf of her locker so she could retrieve an antibiotic pill to take at lunch.

"I just didn't think about it at the time," she says.

Hayley violated Fairfax rules that prescription medication must be signed in at the school clinic by a parent and kept there. The pills sat in her locker for months. When an administrator confronted her about them last May, acting on a tip from other girls, Hayley quickly acknowledged her mistake. But it triggered a disciplinary process that kept her out of class for more than seven weeks and banned her from even visiting Carson without official permission.

For Hayley, the episode added a new layer of anguish to the social upheavals of middle school. Rumors churned wildly, with false accusations and painful insults about what she did to get into so much trouble. "Preggo," a classmate wrote on her Facebook wall. "Druggie," texted another.

Hayley's experience - as reflected in interviews and school records provided by her family - follows a pattern reported by parents in at least 18 other cases in Fairfax: Students get ousted from school for a month, two months, or longer if an appeal is filed. They go to disciplinary hearings expecting impartial reviews and find instead what they consider an adversarial process. For many, consequences include school transfers that cut off social connections and upend academics.

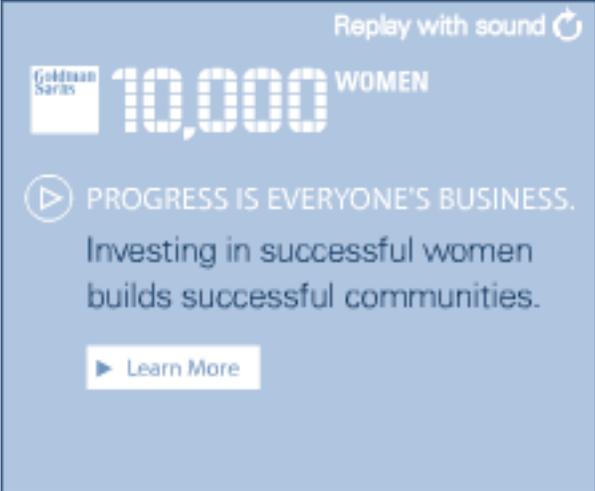
The Fairfax discipline system is under increasing scrutiny after [Nick Stuban](#), a 15-year-old football player, committed suicide on Jan. 20 amid the fallout of an infraction at W.T. Woodson High School. The school board will begin [a review of discipline policies](#) Monday.

In Hayley's case, the drug infraction involved erythromycin, a common antibiotic that a doctor prescribed for her skin. "It was outrageous," said her father, Mark Russell, 52. "The intended and unintended consequences for Hayley were so severe."

Fairfax schools spokesman Paul Regnier said the school system interprets state law as requiring Hayley to be suspended and recommended for expulsion because she possessed a controlled substance, which includes prescription medication.

Several experts say that's a reasonable starting point, although perhaps not a universal practice in Virginia. The larger issue is flexibility in discipline, said lawyer David M. Foster, vice president of the Virginia Board

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of Education. "The key is that one wants to have at the end of the day an appropriate discipline action," he said.

In Fairfax, Hayley's case went to a hearing and her suspension was prolonged because it occurred near the end of a school year, when the small staff in the hearing office is particularly busy. "The punishment was exactly what her parents had asked for in the hearing," Regnier said, noting that the Russells had requested a transfer.

Hayley's parents say they did so because of the vitriol that followed her suspension and because they were told by an assistant principal and their attorney that a transfer was inevitable. Their best hope, the attorney said, was to seek placement in their second-choice school.

"What I really wanted was for the school system to have processes in place . . . not to blow the whole thing totally out of proportion," said her mother, Helen Russell, 49.

Such cases have stirred discussion about what Virginia law requires and how much it dictates disciplinary policies in the state's largest school system. In recent weeks, Superintendent [Jack D. Dale has defended](#) the policies, saying that they are balanced and that school transfers offer a positive alternative to expulsion.

Dale did not agree to a request to be interviewed for this article.

Experts say Virginia law mandates some disciplinary action for certain offenses but allows local school systems to decide such matters as the type of punishment and the amount of time spent out of class. Few other Virginia systems, for example, use school transfers as routinely as Fairfax does as part of the disciplinary process, according to the state Department of Education.

"It's a tough issue," said William C. Boshier Jr., a professor of public policy at Virginia Commonwealth University and a former state superintendent of public instruction. "You want to send a clear message that drugs in any form will not be tolerated. You also want to send a clear message that the school system will use its judgment in each and every case."

'This is crazy'

For Hayley, now 14, the first year of middle school, seventh grade, was not smooth. The acne that plagued her in fifth and sixth grades threatened a comeback. The social intrigues of early teenage life grew more vexing.

Her parents, who own a specialty store called Metro Run & Walk in Springfield, passed many evenings shuttling Hayley to basketball practices around Herndon, where they live. Their two eldest children were in college, and their third child had died of a seizure at age 9 in 2004. Martin Russell, who was 21 months older than Hayley, had epilepsy and disabilities from a brain injury at birth.

Chatty by nature, with an appreciation for sarcasm, Hayley fared better on the basketball court - where she plays in top leagues for her age group - than she did in the halls of Carson.

At one point, she drew an in-school suspension for a day for physically harassing a friend, records show. At another, her parents said they asked for meetings with school officials because they thought Hayley was being harassed and tormented.

Even so, Hayley's grades at Carson were mostly B's, with some A's. Many of her teachers said she was bright

and capable, according to school records, but many also said she was overly social and often sidetracked in class.

Hayley's acne medication was reported by two girls who saw the bottle in her locker and told an administrator that they were worried about her. The Russells contend that the girls wanted to get Hayley in trouble.

What is clear is that on May 3, 2010, Hayley was taken out of history class by an administrator. Did she have drugs? No, she said. Medication?

Hayley said she then remembered the pills she'd brought to school nearly eight months earlier, when her skin was breaking out and a dermatology visit was days away. Hayley had interpreted her mother's words about the expired drug - "just take it" - as yes, it could go to school.

School officials say students are reminded about prohibitions on prescription drugs and take a test to show that they understand concepts in the Student Responsibilities and Rights handbook.

Hayley produced the pills, answered questions in the principal's office and was taken to a room to write a statement. The bottle contained 79 capsules of the 90 prescribed.

"Today they found medicine in my locker from when I had to take one pill at lunch for my skin," she wrote. ". . . It's not bad or anything, I just forgot to take it home. I never told or gave anyone any of them. Notice how there all there and I only took one once."

On the back of the paper, she added: "What I'm saying is I would NEVER give anyone these. That thought never even occurred in my head."

Her mother was called to the school. "This is crazy," she recalls saying. The acne medication was an antibiotic, not a mood-altering drug, she told administrators.

Why suspend Hayley?

The school had no choice, she was told; the pills were a controlled substance.

Harsh penalties for having weapons or drugs in school took hold in the early 1990s and became more prominent after the 1999 massacre at Columbine High School in Littleton, Colo. Perry A. Zirkel, a professor of education law at Lehigh University in Bethlehem, Pa., said many state laws are overly broad, conflating the benign with the dangerous.

Virginia law says school boards "shall expel" students for having controlled substances, marijuana or imitation drugs at school or a school activity. But it also says special circumstances may be considered and other consequences given by school boards or through a superintendent's designee.

The net result, said Foster, of the Virginia Board of Education: Action must be taken, but what kind "is left up to the local school division."

Fairfax school officials say the way they interpret the law, principals must recommend expulsion for certain drug and weapons offenses. Special circumstances may then be considered at the disciplinary hearing or by

the school board. "What we do is so aligned with what the law says that I'm not sure what else we could do," Regnier said.

[Maryland law](#) does not impose disciplinary requirements for school drug offenses, leaving the matter up to local school systems, state officials said.

'Biting our tongues'

At Hayley's hearing in May, administrators reported that there was no indication that Hayley had distributed the pills, no sign of abuse and no police charges filed, according to 10 pages of notes taken by a schools employee.

Hayley recalled her acne problem, the idea of taking a pill at lunch and how over time she "just forgot about the pills," according to the notes, which were included in the records the Russells provided to The Washington Post.

Then the focus turned to whether Hayley stirred undue drama.

What had happened the day the pills were discovered?

Hayley talked about getting lunch and being a little quiet. "I didn't say anything to make them think something," she said.

"Drama, drama, drama?" was the next question.

"I don't think I was the creator," Hayley replied, according to the notes, "but in it I may be feeding or fueling the drama."

Fairfax officials say that the goal of hearings is fact-finding and that many questions are asked to understand the full story. They do not consider hearings as adversarial.

But Hayley's parents contend that the tone of that day's hearing grew "invasive and condescending."

They say the hearing officer told Hayley that she had no business thinking about boys. The county notes don't show that statement but they quote a hearing officer as asking: "Why do you need a boyfriend?"

"I don't," Hayley answers.

The Russells' attorney made a closing statement about Hayley's potential and the family's request for a transfer to the next-closest middle school.

Mark Russell said he held back his protests, not wanting to diminish Hayley's chances of a favorable outcome. "We were sitting on our hands," he said, "and biting our tongues bloody."

The fallout

Two weeks after the hearing, there was still no ruling.

It was June, and it became clear to the Russells that the school year would end before Hayley would see a

classroom.

The academic limbo that stretched seven weeks hurt Hayley's grades and left her isolated. Her mother says that when she carried Hayley's papers to school, the teenager begged her: "Just let me ride in the car and let me look at my friends."

Her mother could not. Hayley had been banned from Carson. The family had won a small victory, gaining permission during her suspension for Hayley to be on other Fairfax school properties to play basketball with her team. She was allowed to return to Carson only for state tests, which she took in a room by herself.

The disciplinary ruling that arrived the second week of June said Hayley "willfully and deliberately possessed and consumed prescription medication at school, knowing that her actions were in violation of school rules." It said she "put the safety and well-being of other students and staff at risk."

She would not be expelled because her discipline history was not extensive, the ruling said. But her suspension would last until June 24, with a transfer to Franklin Middle School, the school the family sought.

But at Franklin, the parents said, Hayley also encountered drug rumors and insults. The family concluded that it was not a fresh start at all: Hayley had the same issues, in a school with fewer friends.

Her algebra grade for first quarter was a D. Her Spanish grade for the second quarter, an F.

"It doesn't serve the students at Carson any better, and it didn't serve the students at Franklin any better," Helen Russell said.

As for Hayley, Mark Russell ticks off the fallout: lower grades, less emotional stability, disruptions to family life. "It's broken countless friendships," he says, "and bred in Hayley a distrust of organizations and institutions that exist for her benefit."

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