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## **Zero Tolerance VICTORY: School Officials Agree to Rescind Suspension of 7th Grade Honor Student Over Possession of Oregon**

CHESAPEAKE, Va. — After being criticized by The Rutherford Institute for misapplying zero tolerance policies and suspending a seventh grade honor student over allegations that he was in possession of the Italian herb oregano, school officials at Hickory Middle School have agreed to rescind the 10-day suspension and the recommendation for expulsion for "possession of an imitation controlled substance." School officials confirmed that Adam Grass, a candidate for the National Junior Honors Society, will not have a drug offense on his record. Grass will be permitted to return to school effective tomorrow.

"This is a victory for common sense and Adam Grass," said John W. Whitehead, president of The Rutherford Institute. "Adam should not have been punished in the first place. At no time did he violate the law or school policy. Hopefully, other schools will follow suit."

According to Rachel Grass, Adam's mother, one of Adam's classmates brought a plastic baggy containing oregano to school and displayed it to fellow students during their lunch period, saying, "Haha, it looks like pot." Adam immediately backed away. However, another student took possession of the oregano.

Encountering Adam in the bathroom later, that student asked him to return the oregano to the classmate who had brought it to school in the first place. Adam initially agreed, only belatedly realizing that the owner was not in his next class. Adam then gave the oregano to someone who did have class with the owner. At no time, did Adam treat the so-called "substance" as anything other than oregano or intend to deceive anyone about it. Moreover, when school officials intervened and questioned Adam about the matter, he related exactly what happened, which was corroborated by the other students interviewed by administrators and school officers.

Despite the fact that Adam was unwittingly caught up in what Institute attorneys describe as nothing more than a schoolboy prank, he was shown "zero tolerance" by school officials. As a result, Adam and two other students were given 10-day suspensions pending expulsion for possession and distribution of an imitation controlled substance. In calling on the school to rectify what it termed a gross overreaction, attorneys for The Rutherford Institute pointed out that school officials were misapplying state law in this matter, in addition to violating Adam's constitutional rights.

Specifically, Institute attorneys argued that oregano does not meet the statutory definition of "imitation controlled substance" under Virginia law and Adam did not possess the requisite intent to "give, sell, or distribute" an imitation controlled substance as defined by

the Chesapeake School Board in Article XIII of its "Expectation of Conduct and Sanctions for Violation."

Moreover, "Adam had no intent to violate school policy," Whitehead wrote in his letter to school officials. "His intent was merely to convey a harmless bag of oregano back to its rightful owner."

"We can not thank The Rutherford Institute enough for their assistance in this matter, but feel that zero tolerance policies still need to be addressed," stated Rachel Grass. "Policies need to allow for some gray area to allow for some common sense to enter into the equation for the good of the kids. That is what everyone is here for anyway—the children."

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