

Adopted: 16 January 2013 Revised: _____

JICH—Drug and Alcohol Use by Students

Policy Statement

The Board of Directors recognizes that student use of chemical substances, including alcohol, is a serious problem in our society. Drug, alcohol, and nicotine use is detrimental to a state of well-being and undermines the aim of education, which is to enable individuals to develop to their full potential. The School seeks to ensure high standards of learning in the classroom and recognizes that use of chemical substances—including alcohol, nicotine, and controlled substances—creates educational, economic, and legal problems.

Definitions

“Controlled substances” include drugs or chemicals which are prescription or designated by law as illicit, opiates, stimulants, depressants, hallucinogenic substances, including cocaine, cannabis and synthetic equivalents or derivatives.

“Course of conduct” involves a pattern or series of acts over a period of time, however short, evidencing a continuity of purpose. Course of conduct does not include constitutionally and statutorily protected activity.

“Drug” includes any alcoholic beverage, any nicotine product, any controlled substance, any illegal substance, any substance which is intended to alter mood, and any medication not prescribed by a physician for the student in possession of the medication.

“Intentionally harass” means a knowing and willful course of conduct directed at a specific student which seriously alarms, annoys, threatens, or intimidates the student and which serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress.

“Reasonable suspicion” means an act of judgment by a School employee or independent contractor that leads to a reasonable and prudent belief that a student is in violation of this policy or the “use” or “under the influence” provisions of Idaho Code Section 37-2732C, which defines controlled substances. Such an act of judgment is based on the employee’s or independent contractor’s training in recognizing the signs and symptoms of alcohol and controlled substance use. The fact that a student has

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previously disclosed use of a controlled substance will not be deemed a factor in determining reasonable suspicion at a later date.

“School premises” includes all buildings, facilities, and property owned or leased by the School, school buses and other school vehicles, and the location of any school-sponsored activity or function.

“Nicotine use” shall be defined as the use and/or possession of a lighted or unlighted cigarette, cigar, pipe, smokeless tobacco/nicotine in any form, and other smoking products specifically including electronic cigarettes, electronic nicotine delivery systems, or vaporizer smoking devices.

Policy

Students shall not use, possess, sell, buy, or distribute drugs, including alcohol, tobacco/nicotine, controlled substances, or related paraphernalia, on school premises.

Any student will be in violation of the School’s drug, alcohol, and nicotine use policy when:

He or she is on school premises, evidencing behavior that creates a reasonable suspicion that he or she may be illegally under the influence of drugs;

He or she admits to using, possessing, selling, buying, or distributing drugs on school premises;

He or she is found to use, possess, sell, buy, or distribute drugs, or related paraphernalia, on school premises; and/or,

He or she is found to possess drugs, or related paraphernalia, or to have such substances on his or her person, or in his or her locker, vehicle, or other property on school premises.

Alcohol or Controlled Substances: Voluntary Disclosure

Any student who voluntarily discloses using or being under the influence of alcohol or any controlled substances before he or she is reasonably suspected to be in violation of the law and this policy will be provided anonymity within legal limits to the extent that:

1. Disclosure is held confidential on a faculty need-to-know basis; and
2. Notification of the disclosure and availability of counseling is provided to the student and their parent/guardian.

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Alcohol or Controlled Substances: Referral to Law Enforcement

Once a student is reasonably suspected of being in violation of the law and this policy regarding alcohol or controlled substances, regardless of any previous voluntary disclosure, the Administrator will immediately notify the student's parent or guardian and report the incident to the local law enforcement agency.

Any student exhibiting inappropriate behavior that suggests "using" or "being under the influence" of alcohol or controlled substances will be immediately escorted by a School employee to the office for interviewing and observation by the Administrator, or designee. Except in the case of an emergency, the student will not be left unattended and will not be allowed to leave the school premises.

The Administrator, or designee, will refer the student to the law enforcement agency if, upon observing and/or interviewing the student, he or she reasonably suspects that the student is using or under the influence of alcohol or a controlled substance. School employees will cooperate fully with any law enforcement investigation of a violation of this policy, including, but not limited to, providing access to lockers, desks, and other school property, and providing oral and/or written statements regarding the relevant events.

The Administrator, or designee, and/or any other employee having observed the student's behavior will document his or her observations of the student; the documentation will be provided to the law enforcement agent, and a copy will be placed in the student's discipline record.

Enforcement Procedures

The procedures to enforce this policy are as follows:

1. Suspension/Expulsion: Students who violate this policy will be suspended by the Administrator. Suspension for the first offense of this policy will be for three to five (3-5) days, unless extraordinary circumstances exist. The board will be notified after the 1st offense. The time period for suspension for the second offense will be determined at the discretion of the Administrator. The board will be notified of the 2nd offense. The Administrator will determine whether or not the suspension will be served in school or out of school and if the student should be brought before the board. Upon a 3rd offense, the student and their parent/guardian will be brought before the board and administration to determine if expulsion is appropriate.

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2. Referral to Law Enforcement: The student will be referred to the law enforcement agency, if appropriate. If the incident involves using or being under the influence of alcohol or a controlled substance, the student will be referred to the local law enforcement agency. In all other situations, referral to law enforcement will be at the discretion of the building Administrator or designee.
3. Search and Seizure: A student's person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school official has reasonable cause to believe that the student is in possession of drugs or drug paraphernalia. Any evidence that a student has violated the law and this policy may be seized by the Administrator or designee. Lockers and desks are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and desks. Authorized school officials may open and inspect lockers and desks when there is reasonable cause to believe that the locker or desk may contain items which may be a threat to safety and security. Such a search may be conducted without a search warrant, and without notice or consent.
4. Parent Contact: The student's parent/guardian will be contacted as soon as possible following any alleged violation of this policy.
5. Conduct Contract: Any student violating this policy must sign a conduct contract before returning to school. Violation of the conduct contract may result in additional disciplinary measures.
6. Drug, Alcohol, and Tobacco Assessment/Treatment: The terms of the suspension and/or conduct contract may be modified, at the discretion of the Administrator or Administrator, if a student who has violated this policy voluntarily completes a drug, alcohol, and tobacco education course and/or undergoes assessment and treatment for drug, alcohol, and tobacco abuse.

Students with Disabilities

Suspensions and expulsions of students with disabilities as defined by Public Law 94-142 and subsequent amendments (Individuals with Disabilities Education Act), Section 504 of the 1973 Rehabilitation Act, and the Americans with Disabilities Act will follow federal guidelines as well as the provisions of this policy.

Immunity for Good Faith Implementation

School employees who implement this policy in good faith and with appropriate foundation are immune from civil liability.

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Intentional Harassment

School employees are prohibited from using their authority to determine reasonable suspicion solely for the purpose of intentionally harassing a student. Using the authority in such a manner may result in disciplinary action against the employee.

References

Idaho Code §§33-205, 20-516, 33-210, 37-2705, 37-2732C

Drug-Free Schools and Communities Act of 1988, PL 100-690 and all subsequent amendments

Individuals with Disabilities Education Act, PL 94-142 and subsequent amendments

Section 504 of the 1973 Rehabilitation Act, Americans with Disabilities Act