

Substance and Alcohol Abuse

The Board recognizes that use of alcohol and drugs is a serious problem and that the presence of alcohol and drugs in school is detrimental to the educational environment and harmful to the health, safety and welfare of students and staff. It is the desire of the District to help those in need of alcohol and drug intervention and at the same time to protect others that are affected by the presence of alcohol and drugs and to enforce the policies of the District relating to use, possession or being under the influence of alcohol or controlled substances, as that term is defined in statute (I.C. § 37-2732C), and other state and federal statutes as now in existence or as hereafter amended. It is the philosophy of the District that the District will help those who desire to help themselves.

The District's desire is to create an environment where students feel safe from the many harmful influences that are prevalent in our society. For those students that come forward and voluntarily disclose using and/or being under the influence of alcohol and/or drugs while on school property or at a school function, prior to the District having reasonable suspicion, the District will provide counseling to any such student and make recommendations for referral to appropriate agencies for screening and assessment. The parent or legal guardian of the student will be immediately notified and the District will cooperate with and work with the parent in the establishment of plan to assist the student in whatever means are deemed necessary and appropriate. Only persons on a "need to know" basis may receive information regarding a voluntary disclosure, except when deemed reasonably necessary to protect the health and safety of others. Appropriate disciplinary measures may still be taken.

If the District has reasonable suspicion (based upon reliable information received or the personal observations of staff) to believe that a student is using or is under the influence of alcohol or a controlled substance and the student has not voluntarily disclosed such use or influence, the District may take whatever action deemed appropriate, including but not limited to, notifying the parent or legal guardian, notifying local law enforcement, and suspension and/or expulsion. The following shall be used as a guide in determining what procedures may be followed when this occurs, however, the specific procedure may, in large part, depend upon the circumstances in each case:

1. Upon reasonable suspicion, the student will be asked if he/she has used and/or is under the influence of alcohol and/or drugs;
2. If the student admits to the use, the student's parent/legal guardian will be immediately called;
3. The student will be asked to reveal the circumstances involving the use of alcohol and/or drugs and asked if any other students were involved;
4. the incident will be reported to law enforcement;
5. The student will be immediately suspended from school;
6. As a condition of readmission, the Board or administration may require the student and

parent to agree to undergo assessment and counseling for alcohol and/or drug use. The District will provide information regarding counseling services and any other services available to the student and/or the student's parents.

7. If the student does not admit to the use of alcohol and/or drugs and the staff member(s) in charge, after talking to the student, still believes that the student used or was/is under the use or influence of alcohol and/or drugs, an investigation will be conducted, which may include a search of the student's locker, car, desk or any other school property used by the student may be subject to search. In addition, law enforcement will be called as will be the parent/guardian. The student will be suspended from school pending an investigation. If the investigation shows that, more likely than not, the student used or was under the influence of drugs and/or alcohol, disciplinary action will be taken and a recommendation for expulsion may be made to the Board of Trustees. The student will be entitled to due process required pursuant to Idaho Code § 33-205 as now in existence or hereafter amended. As a condition of readmission, the Board may require that the student undergo assessment and counseling for alcohol and/or drug use.

DISCIPLINE

Because the district believes that the use of drugs and alcohol is both illegal and harmful, students are prohibited from drinking, delivery of, or being in the possession of or under the influence of alcoholic beverages or being in the possession of, delivery of, or under the influence of drugs as herein defined, or other intoxicants on school property or while under the supervision of school authorities. "Drug" means (1) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (2) substances intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or animals; (3) substances (other than food) intended to affect the structure of any function of the body of man or animals; and (4) substances intended for use as a component of any article specified in clause (1), (2), or (3) of this subsection. It does not include devices or their components, parts, or accessories. (However, possession of drug paraphernalia may be cause for disciplinary action.) A drug shall also include a counterfeit or pseudo drug which shall be defined as any substance which, or the container or labeling of which, without authorization, bears a likeness and is intended by its possessor or deliverer or recipient to represent a drug, whether or not the substance is actually a drug as hereinabove defined.

This policy is progressive for the student's entire school career.

Students who violate the drug and alcohol policy shall be subject to the following disciplinary actions:

First Offense: An out of school suspension from three to five days with a parent conference and a reporting to the Superintendent which may result in a recommendation for expulsion;

Second Offense: A second offense involves a second event resulting in a violation of this policy. The first violation may have happened previously in student's school career in this district or any other district or school. Suspension and referral to the Superintendent may include

a recommendation to the Board of Trustees for expulsion.

However, any student who knowingly sells, delivers or otherwise provides drugs, as herein defined, or other intoxicants to another student at school or while under the supervision of school authorities shall be immediately suspended and referred to the Superintendent who may refer to the Board of Trustees a recommendation for expulsion.

In all substance abuse cases, where a student is reasonably suspicioned to be in violation of this policy, (regardless of any previous voluntary disclosure), appropriate law enforcement officials shall be notified with a request to have a law enforcement evaluation for possible transfer to custody pursuant to Idaho Code 20-516 as now in existence or hereafter amended.

Students are prohibited from using tobacco or being in the possession of tobacco products on the school grounds or while under the supervision of school authorities. Violations of this policy may be punishable by; (1) The first offense may result in a one day in school suspension; (2) The second offense, within the same school year, may result in a three day out of school suspension with a parent; and (3) The third offense may result in the student being suspended and referred to the Superintendent for a show cause hearing of whether the student should be referred to the Board of Trustees with a recommendation for expulsion.

Legal Reference: I.C. § 33-210 Students using or under the influence of controlled substances

Policy History:

Adopted on: August 13, 2007

Revised on: June 9, 2008

Revised on: December 9, 2013

Prior district policy Article VI, Section F