

Controlled Substance and Alcohol Abuse

Use of controlled substance and alcohol is a serious problem, and the presence of a controlled substance and/or alcohol in school is detrimental to the educational environment and harmful to the health, safety, and welfare of students and staff. It is the philosophy of the District to help those who desire to help themselves.

The District shall provide anonymity to the student on a faculty "need to know" basis, when a student voluntarily discloses using or being under the influence of alcohol or any controlled substance while on school property or at a school function, except as deemed reasonably necessary to protect the health and safety of others.

The District shall notify the parent, legal guardian, or custodian of the disclosure and provide information of the availability of counseling. Students may, at the discretion of the Board of Trustees, be subject to other disciplinary action, regardless of whether the student voluntarily discloses or is reasonably suspected of using or being under the influence of alcohol or a controlled substance in violation of district policy or section 37-2732C, Idaho Code.

The incident shall be reported to law enforcement. The mere fact that a student previously disclosed use of alcohol or a controlled substance, in and of itself, shall not establish reasonable suspicion at a later date.

Reasonable suspicion means an act of judgment by a school employee or independent contractor of an educational institution which leads to a reasonable and prudent belief that a student is in violation of school board policy regarding controlled substance or alcohol use, or the "use" or "under the influence" provisions of section 37-2732C, Idaho Code. Said judgment shall be based on training in recognizing the signs and symptoms of alcohol and controlled substance use.

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 or she is under the influence of a controlled substance and/or alcohol;
2. If the student admits to being under the influence, the student's parent, legal guardian, or custodian will be immediately called;

3. The student will be asked to reveal the circumstances involving the use of a controlled substance and/or alcohol and asked if any other students were involved;
4. The incident shall be reported to law enforcement;
5. The student may be immediately suspended from school with a possible recommendation for expulsion.
6. If the student does not admit to the use of a controlled substance and/or alcohol, and a trained staff member continues to have reasonable suspicion then an investigation will be conducted. The parent, legal guardian, or custodian and law enforcement will be immediately called. A search of the student's locker, desk, car, or any other school property used by the student will be conducted upon the arrival of the parent, legal guardian, or custodian.

The District shall provide written annual notification of this policy in the student handbook.

The Board shall review this policy annually.

Cross References:	3330 3340 3360 3370	Student Discipline Corrective Actions and Punishment. Discipline of Students with Disabilities Searches and Seizures
Legal References:	Pub. L. 100-690 Case Law	The Anti-Drug Abuse Act of 1988 (as amended) <u><i>New Jersey v. T.L.O. (US Supreme Court, 1985)</i></u> <u><i>Burnham v. West (Eastern District Court of Virginia, 1987)</i></u> <u><i>State v. Slattery (Court of Appeals of Washington, 1980)</i></u>
	I.C. § 20-516 I.C. § 33-205 I.C. § 33-210	Apprehension and Release of Juveniles- Detention Denial of School Attendance Attendance at Schools —Students Using or Under the Influence of Alcohol or Controlled Substances

I.C. § 37-2701

Uniform Controlled Substances,
Article I, Definitions

I.C. § 37-2732C

Uniform Controlled Substances,
Article IV, Use or Being Under the
Influence - Penalties

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Safe Environment and Discipline

Policy History:

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Prior district policy Article VI, Section F