

## STUDENT ALCOHOL AND OTHER DRUG USE/ABUSE<sup>1</sup>

This policy pertains to alcohol and other drug use/abuse. Tobacco use is addressed in a separate policy (see policy ABBA).

### Philosophy

The Jamestown Public School District shall strive to provide a learning environment that is safe, drug and alcohol free, and conducive to learning. This policy is designed to help eradicate the influence of drugs and alcohol within the school environment, promote awareness and health, and protect students in the school environment by imposing consequences for drug and alcohol related violations.

### Definitions

This policy defines the following terms:

- *Possession* shall mean:
  - a. Actual physical possession of the prohibited substance while on school property;
  - b. Use or consumption of the prohibited substance while on school property;
  - c. In the student's locker, car, handbag, backpack, or other belongings while on school property; or
  - d. Appearance by a student on school property after having consumed or ingested a prohibited substance that is noticeable by breath odor, speech alterations, unsteadiness of gait or posture, or like symptoms of chemical intoxication.
- *Use* shall mean that a student is reasonably known to have ingested, injected, inhaled or otherwise taken into the body a prohibited substance, or is reasonably found to be under the influence of such a substance.
- *School property* is defined in NDCC 15.1-19-10(6)(c) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

### Prohibited Substances

Prohibited substances include, but are not limited to:

1. Alcohol, powdered alcohol, or any alcoholic beverage as defined in NDCC 5-01-01;
2. Any controlled substance or dangerous drug as defined by NDCC Sections 19-03.1-05 through 19-03.1-13 and 19-03.1-26 (paraphernalia) or as defined by Section 812, Schedules I-V, of Title 21, United States Code, Section 801, et seq., including but not limited to marijuana, any narcotic drug, any hallucinogen, any stimulant or depressant, and all other illicit drugs;
3. Any glue, aerosol paint, or any other chemical substance used for inhalation;
4. Any prescription or non-prescription drug, medicine, vitamin or other chemical including, but not limited to aspirin, other pain relievers, stimulants, diet pills,

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<sup>1</sup> Policy FFA is required by N.D.C.C. § 15.1-24, Chemical Abuse Prevention.

multiple or other type vitamins, pep pills, "no-doze" pills, cough medicines and syrups, cold medicines, laxatives, stomach or digestive remedies, depressants, sports or muscle-building supplements, and sleeping pills not administered and/or taken with appropriate consent and authorization from parents, school administration, and, if applicable, a health care provider.

### **Prohibited Activities**

It shall be against school policy for any student to:

1. Sell, deliver, give, or attempt to sell, deliver, or give to any person any prohibited substance or sell, deliver, give, or attempt to sell, deliver, or give to any person substances the student represents or believes to be a prohibited substance.
2. Possess, procure, purchase, receive, or to attempt to possess, procure, purchase, or receive the substances listed in this policy, or what is represented by or to the student to be a prohibited substance, or what the student believes is a prohibited substance.
3. Be under the influence of (legal intoxication not required), use, consume, or attempt to use or consume a prohibited substance or what is represented by or to the student to be a prohibited substance or what the student believes is a prohibited substance.
4. Knowingly or intentionally aiding or abetting in any of the above activities.

This policy applies to any student who is on school property, or whose off-campus conduct is reasonably predicted to substantially disrupt the operations of the District, district safety, or welfare of students or employees.

### **Reporting Violations**

A student or staff member who has reason to believe that a student has violated this policy shall notify a school official (i.e., a teacher or administrator if the reporter is a student; a school administrator if the reporter is a district staff member). Except in limited circumstances under law,<sup>2</sup> a teacher is required to report known or suspected violations of this policy to the school principal.

### **Violation**

When a principal/the Superintendent has reasonable suspicion that a student has violated this policy, they may search the student in accordance with the district's policy on searches of students' person or personal property.

Disciplinary sanctions will be imposed on, and additional actions may be taken (as listed below) in response to, any violation of this policy. These sanctions may include suspension or expulsion, intervention (as described below), and notification of proper authorities for prosecution. Prohibited substances will be confiscated and illegal substances will be turned over to law enforcement authorities.

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<sup>2</sup> When a teacher/principal participates in a juvenile court program and receives confidential information about a student.

### **Intervention**

It is acknowledged that the District has neither the authority nor the responsibility to make medical or health determinations regarding chemical dependency; however, when observed behavior indicates that a problem exists that may affect the student's ability to learn or the educational climate of the school, the District may refer the student for a formal chemical dependency diagnosis. The Superintendent shall develop a procedure for chemical dependency identification and referral for treatment.

Referral for treatment shall be a constructive, not punitive action; however, use of the treatment program shall not override or prohibit the District from taking disciplinary action for violations of this policy.

The District will make a reasonable effort to cooperate with a therapy program if one is recommended for the student. The Board believes that if a student is involved in a chemical dependency program and is successfully addressing their harmful involvement with chemicals, they may be allowed to continue in the regular school setting and continue to participate in any extracurricular program unless participation is in conflict with rules and regulations set forth by the Board, the [North Dakota High School Activities Association](#), and/or the student has been suspended or expelled as a result of a district policy violation.

The school may, through the use of available resources, provide follow-up counseling and supportive assistance to those students who return after successfully completing a therapeutic regimen, realizing that the student may need assistance in dealing with other environmental factors beyond the school's control which may remain unchanged.

### **Confidentiality**

The District shall maintain the confidentiality of students referred for counseling and chemical dependency treatment in accordance with the district's policy on counseling records and other applicable law.

### **Education**

The District will teach about drugs and alcohol in an age appropriate, developmentally based education and prevention program in every grade in accordance with law. This program will include information about drug and alcohol counseling and rehabilitation programs available to the students.

In addition, the District will conduct staff orientation and training on drug and alcohol prevention, including a periodic overview of this policy and its procedures for implementation. The District will also provide parent and community education on the topic of drug and alcohol prevention.

### **Policy Implementation**

Student handbooks shall contain a statement of sanctions required concerning the possession, use, or distribution of prohibited substances.

The Jamestown Public School District will review this policy and its implementation periodically to ensure that disciplinary sanctions are consistently applied and to determine the effectiveness of the program for the prevention of alcohol and other drug use/abuse.

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Complementing Policies:

- ABBA, North Dakota’s Comprehensive Model School Policy for Tobacco Use
- FFA-AR, Alcohol and Other Drug Intervention Procedure
- FFE, Extracurricular Participation Requirements
- FFK, Suspension and Expulsion
- FFK-BR, Suspension and Expulsion Regulations
- FGCB, Searches of Students and Students’ Personal Property
- FGDB, Student Handbooks

**End of Jamestown Public School District Policy FFA .....Amended 5/20/2024**