

DRUG, ALCOHOL, & TOBACCO/NICOTINE USE POLICY - STUDENT

Philosophy

To the extent possible, the Board is committed to:

- Preventing or intervening in student use of drugs, alcohol or tobacco/nicotine
- Providing a safe and secure learning environment
- Enhancing academic achievement
- Involving the parent/guardian with his/her student's academic and personal success

Policy Violation

A student is in violation of District policy if he/she is involved in school related or non-school related drug use as defined herein.

For the purposes of this policy, drug use is defined as the involvement with drug paraphernalia, controlled substances or drugs, including alcohol, tobacco/nicotine products or any electronic smoking device and/or vapor-based products and herbal or other plant-based products that provide nicotine in any of the following ways:

- Knowingly Present
 - ~ Knowingly present shall mean that a student attended a gathering of two or more individuals at which one or more of the attendees (other than the student at issue) were involved in drug use as defined in this paragraph and the student knew or reasonably should have known that such drug use was occurring.
- Securing, Using, Possessing
 - ~ Attempting to secure or purchase
 - ~ Using or the reasonable suspicion of having used
 - ~ Possessing
- Distribution
 - ~ Intending or attempting to sell or distribute
 - ~ Selling or giving away

School related drug use is a violation which occurs on any District premises or at any District sponsored activity, regardless of location including, but not be limited to buildings, facilities, and grounds on a District campus, District buses, District parking areas; and the location of any District sponsored activity. This includes instances in which the conduct occurs off District premises but impacts a school activity.

Non-school related drug use is a violation which occurs during the scholastic year in a location off a school campus and in a situation not associated with a school sponsored activity. This violation applies when it reasonably appears to the principal or designee that an extracurricular or co-curricular student has violated this policy, including an arrest for drug use.

Intervention

District students in violation of this policy will be offered assistance. The principal or designee:

- Shall contact the parent/guardian as soon as possible
- Should inform the parent/guardian of the drug education programs and counseling available to the student in the school or in the community

Discipline

For school related drug, alcohol or tobacco/nicotine use, regardless of whether the student voluntarily discloses or is reasonably suspected, discipline may involve actions up to and including suspension and/or expulsion. If the student is involved in extracurricular or co-curricular activities, discipline may involve an activity suspension for a period of time up to and including the remainder of his/her attendance in the District.

For non-school related drug, alcohol or tobacco/nicotine use, regardless of whether the student voluntarily discloses or is reasonably suspected, discipline may involve an activity suspension for a period of time up to and including the remainder of his/her attendance in the District.

Suspensions and expulsions of students with disabilities as defined by the IDEA (Individuals with Disabilities Education Act), Section 504 of the 1973 Rehabilitation Act, and the Americans with Disabilities Act shall follow federal guidelines, as well as the provisions of District policy.

Self-Reporting

Anonymity will be provided to a student. Faculty will be notified on a “need to know” basis, when a student voluntarily discloses any type of drug, alcohol or tobacco/nicotine use, except as deemed reasonably necessary to protect the health and safety of others. Notification of the disclosure and availability of counseling for students shall be provided to parent/guardian.

Law Enforcement

When appropriate and regardless of any previous voluntary disclosure, a student reasonably suspected of drug, alcohol or tobacco/nicotine use will be reported to law enforcement. The principal or designee may seek a law enforcement evaluation of the student and that may result in the transfer of school custodial responsibility to the appropriate law enforcement agency.

Searches by District Officials

The Board must provide an atmosphere conducive to the pursuit of educational goals, while adhering to the students’ constitutional rights. This may include the District official’s right to search a student’s person or personal property, including, but not limited to backpacks, purses, wallets, and athletic bags, when it is in the interest of the overall welfare of other students or is necessary to preserve the good order and discipline of the school, and reasonable suspicion exists that the student is in possession of materials that violate District policy, procedure, or law.

Reasonable suspicion by District officials is defined as suspicion that is particularized with respect to each individual searched, based on the reasonable judgment or belief that the student is in possession of materials in violation of District policy, procedure or law. Reasonable suspicion by District officials need not be based on a single factor but is based on the “totality of the

circumstances,” including misconduct by the student. In order for a search to be reasonable, it must be justified at its inception and be reasonably related in scope to the circumstances which initially justified the search.

Intrusive searches such as strip searches or body cavity searches will not be conducted by school personnel. If necessary, the District will refer the student to law enforcement. The search measures used in any situation must be reasonably related to the objectives of the search and must not be an excessive intrusion in light of the age and sex of the student, and the nature of the infraction.

Desks and lockers assigned to students are District property and remain at all times under the control of the District. The student shall be responsible for the proper care, use and security of the desk or locker assigned for his or her use. Desks and lockers may not be used by a student for the storage of materials which violate District policies or laws, are potentially harmful items, or are a threat to safety or security, including, but not limited to, weapons, drugs, and alcohol. Periodic general inspection of lockers and desks may be conducted by authorized District officials for any reason at any time without notice, without consent, and without a search warrant. District officials may seize and retain, or turn over to law enforcement officials, any contraband items or evidence found in a school desk or locker.

Students are permitted to park on school campuses as a matter of privilege, not a right. The school retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school campuses. The interiors of vehicles on school campuses may be inspected whenever an authorized District official has reasonable suspicion that materials which violate District policy or law are contained inside. Such patrols and inspections may be conducted without notice, without consent, and without a search warrant.

False Accusation

If an investigation discloses that, the reporting individual knowingly or in a malicious manner falsely accused or intentionally harassed another of being in violation of this policy, that individual may be subject to the following disciplinary action:

- For an employee, may involve actions up to and including dismissal.
- For a student, may be subject to the disciplinary actions stated in this policy.

Any employee or student reporting violation or suspected violation of this policy in good faith shall be immune from disciplinary action for such reporting.

Notification

Activity Suspension: suspended extracurricular or co-curricular students shall not travel, dress in uniform, associate or participate with the team or group at its scheduled event(s). Suspended students may be allowed to participate in practices/meetings; however, the principal or designee may deem it necessary for students to be withheld from practices/meetings for the duration of the suspension.

Controlled Substances: are defined in 21 U.S.C. Section 812 and include, but are not limited to opiates, opium derivatives, hallucinogenic, depressant or stimulant substances, including cocaine,

cannabis and synthetic equivalents of the substances contained in the plant, any material, compound, mixture or preparation with substances having a depressant effect on the central nervous system.

District Official: includes, but is not limited to, teacher, school counselor, school nurse, coach, activities director, principal, assistant principal or District administrator.

Drugs: shall include any alcohol or malt beverage, any tobacco/nicotine product, any controlled substance, any illegal substance, any abused substance, any look-alike or counterfeit drug, any medication or any inhalant not approved for the use being made of said medication or inhalant, any substance whose use is intended to alter mood, and/or any substance which is represented and sold or distributed as a restricted or illegal drug, even if the substance is not what it is represented to be.

Drug Paraphernalia: all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance as defined in this policy.

Electronic Smoking Device: means any oral device that provides a vapor of liquid nicotine and/or other substance, and the use or inhalation of which simulates smoking. The term shall include any such devices, whether they are manufactured, distributed, marketed or sold as e-cigarettes, e-cigars, e-pipes, or under any other product name or descriptor.

Intentionally Harass: 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.

Scholastic Year: a period of time beginning with the first day of the fall extracurricular and co-curricular activities season and ending with the last day of school.

Search: a physical examination of a person or his/her property with the intent to discover contraband. However, detection dogs will not be used to search an individual and will not be used in the immediate presence of students. In the school setting, including school sponsored activities and events; a search is permissible where a school official has reasonable suspicion based on the totality of the circumstances, for suspecting that the search will reveal evidence that the student has violated either the law, District policy or the rules of the school.

Smoking: means inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette or any other lighted or heated tobacco or plant product intended for inhalation, in any manner or in any form. "Smoking" also includes the use of an e-cigarette that creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

Tobacco/nicotine product: means any products containing, made, or derived from tobacco, herbal or other plant-based products that are intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means.

Legal Reference:

Idaho Code

20-509 – Violent Offenses, Controlled Substances Violations Near Schools and Offenders

20-516 – Apprehension and Release of Juveniles – Detention

23-105 – Alcoholic Liquor Define

23-1001 – Beer Define

33-205 – Denial of School Attendance

33-210 – Students Using or Under the Influence of Alcohol or Controlled Substances

33-512(6) – Governance of Schools

37-2705 – Schedule I

37-2732 – Prohibited Acts A – Penalties

39-5501 – Legislative Findings and Intent

39-5702 – Prevention of Minors’ Access to Tobacco Products or Electronic Smoking Device – Definition

39-5703 – Possession, Distribution, or Use by a Minor

Drug-Free Schools and Communities Act Amendments of 1989

41 U.S.C. 81 Drug-Free Workplace Act of 1988 (P.L. 100-690)

Individuals with Disabilities Education Act

Education for all Handicapped Children Act of 1975 P.L. 94-142

Section 504 of the Rehabilitation Act of 1973

Americans with Disabilities Act

Family Educational Rights and Privacy Act (FERPA) of 1974 20 U.S.C. 1232g; 34 CFR part 99

21 U.S.C. Section 812

MHSD Drug, Alcohol, & Tobacco-Nicotine Use Procedure – Student (BSD3233R1) 551P1

Handbook Reference: Elementary and Secondary Handbook

ADOPTED: May 17, 2022 (Originally part of School District Safety & Discipline Policy)