

DRUG, ALCOHOL, & TOBACCO/NICOTINE USE PROCEDURE – STUDENTS

Procedure Checklist

When a student is suspected of drug, alcohol, & tobacco/nicotine use, the principal or designee:
(Note: The principal or designee may choose to vary the order of the procedure set forth below.)

- Evaluates the situation to determine if there is a reasonable and prudent belief that a student is in violation of District policy for school related or non-school related drug use.
- Notifies law enforcement.
- Presents the charges against the student and provides the student with the opportunity to challenge those charges, unless an emergency suspension is necessary (If an emergency suspension is necessary, an informal hearing is held as soon as possible after the emergency ceases to exist.) This step may include a parent conference.
- May ask the student to write a statement of the incident.
- Notifies the parent/guardian of the charge, as soon as possible.
- Determines the appropriate consequences as outlined in the Intervention/Discipline section below.
- Records a major disciplinary violation (MDV) report of the incident and provides a copy to the parent/guardian.
- May only release a student who is, or appears to be, under the influence of alcohol or drugs other than tobacco, to a parent/guardian, the custody of the local law enforcement, or emergency medical personnel.
- May search the student's person and/or personal effects, locker or desk, and vehicle if the District official has a reasonable suspicion that materials which violate law or District policy are contained inside (Such materials are confiscated).
- May consult with the school administrator(s), counselor, or the building Problem Solving Intervention Team (PSIT) and, if appropriate, the Individual Education Plan (IEP) Team.

Policy Violation

A student is in violation of District Policy if he/she is involved in school related or non-school related drug, alcohol, & tobacco/nicotine use as defined herein.

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

1. 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.

2. Securing, Using, Possessing
 - Attempting to secure or purchase
 - Using or the reasonable suspicion of having used
 - Possessing
3. Distribution
 - Intending or attempting to sell or distribute
 - Selling or giving away

School related drug, alcohol, & tobacco/nicotine use is a violation that occurs on any District premises or at any District sponsored activity, regardless of location including, but not be limited to buildings, facilities, grounds, and District campuses, District buses, District parking areas. This also includes instances in which the conduct occurs off District premises but impacts a District-related activity.

Non-school related drug, alcohol, & tobacco/nicotine use is a violation that occurs during the scholastic year in a location off a District campus and in a situation not associated with a District 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 or has been arrested for drug use.

Intervention/Discipline

In most circumstances, the following shall govern intervention/discipline for a student in violation of the District's Drug, Alcohol, & Tobacco/Nicotine Use Policy. However, the principal or designee has, in his/her discretion, the authority to vary from these guidelines. If the gravity of the situation warrants it, the principal or designee may recommend extended suspension or expulsion and an activity suspension up to the remainder of the student's attendance in the District with any of the drug use offenses.

1. School Related Drug, Alcohol, & Tobacco/Nicotine Use by Students Not in Extracurricular or Co-Curricular Activities

A. Knowingly Present: (see bullet 1 – Knowingly Present, under Policy Violation.)

- 1) **1st Violation:** Principal/designee and may include School Resource Officer:
 - a) Will hold a conference with the student
 - b) Will notify the student's parent/guardian of the policy violation
 - c) May arrange a conference with the parent/guardian of consequences for future violations of the policy
 - d) Will inform the student and parent/guardian of consequences for future violations of the policy

- 2) **Subsequent Violations:** The student is subject to the consequences outlined under Intervention/Discipline.
 - B. **Securing, Using Possessing:** (see bullet 2 – Securing, Using, Possessing, under Policy Violation.)
 - 1) **1st Violation:**
 - a) The principal or designee may require five days of temporary suspension
 - b) If the student completes a drug assessment, the suspension may be reduced to three days temporary suspension and two days of in-school detention
 - c) If the student completes a District approved drug education class, the suspension may be reduced to two days temporary suspension and two days of in-school detention
 - d) If the student and a parent/concerned adult complete a District approved drug education class, the suspension may be reduced to one day temporary suspension and two days of in-school detention
 - 2) **2nd Violation:** The principal or designee may choose one or any combination of the following:
 - a) Recommend an extended suspension
 - b) Require a five-day temporary suspension
 - c) Require compliance with a drug behavior contract
 - 3) **3rd & Subsequent Violations:** The student is subject to the consequences outlined in bullet 1.C. – Distribution, under Intervention/Discipline.
 - C. **Distribution:** The principal or designee may: (see bullet 3 – Distribution, under Policy Violation.)
 - 1) Recommend expulsion
 - 2) Recommend extended suspension
 - 3) Require compliance with a drug behavior contract
2. **School Related Drug, Alcohol, & Tobacco/Nicotine Use by Students in Extracurricular or Co-Curricular Activities**
- A. **Use of, Sale or Distribution, or Possession of tobacco/e-cigarettes (excluding illegal substances – marijuana):**
Smoking means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or any other lighted or heated tobacco, drug or plant product intended for inhalation, in any manner or in any form, whether electronic or otherwise. “Smoking” also includes the use of any oral device, electronic or otherwise, that provides vapor of liquid nicotine, drug, and/or other substance, and the use of inhalation, which simulates smoking or drug use.

Tobacco is any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means.

1) 1st Violation –

- a) If a student is involved in an extracurricular activity, the student will be ineligible to participate in upcoming competitions or events a minimum of 14-calendar days and complete a substance abuse class through the school before returning to competitions or scheduled events.
- b) Any related costs for the class may be the responsibility of the student.
- c) During the suspension period the student may be allowed to participate in team practices.
- d) Students shall not travel, dress in uniform, associate or participate with the team or group at its scheduled competitions for the duration of the suspension.
- e) Disciplinary action is subject to the discretion of MHHS administration.
- f) The student will be allowed to sit on the bench but not in uniform.

2) 2nd Violation –

- a) Same consequences as the first violation, except for the length of the suspension will be a minimum of 22-calendar days.
- b) Student will also be required to complete 10-hours of community service before returning to competitions or scheduled events.
- c) The nature of the community service will be determined by school administration.
- d) Disciplinary action is subject to the discretion of MHHS administration.

3) 3rd Violation –

- a) Student will be subject to all of the previous consequences and will lose eligibility for the remainder of the school year

B. Use of, Sale or Distribution, or Possession of Alcohol:

Alcohol shall include any liquor, wine, beer, spirit, or other alcoholic substance, whether in a liquid or powder form, mixed with other substances, or otherwise.

1) 1st Violation –

- a) Loss of eligibility for the remainder of the school year. Disciplinary action is subject to the discretion of MHHS administration.

C. Use of, Sale or Distribution, or Possession of Drugs:

Drugs shall include 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 to alter behavior or mood, any medication not prescribed by a physician for the student in possession of the medication.

Paraphernalia shall include 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, inhaling, or otherwise introducing into the human body a prohibited substance.

1) **1st Violation –**

- a) Loss of eligibility for the remainder of the school year. Disciplinary action is subject to the discretion of MHHS administration.

Definitions:

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 USC, Section 812, and include, but 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.

On District premises or at any District sponsored activity, regardless of location: shall include but not be limited to buildings, facilities and grounds on the District campus, school buses, District parking areas and the location of any District sponsored activity. This includes instances in which the conduct occurs off the District premises but impacts a District-related activity.

Drug Assessment: a self-assessment tool used to rule out whether a student has an alcohol/drug problem or addiction. The assessment includes a personal interview and an individual inventory. The drug assessment may be provided by the school (no cost) or the community (the family incurs the cost). If the student chooses to have a drug assessment, the parent/guardian must sign a consent form for the assessment and may sign a release to provide information to the Student Assistance Team (SAT)/Problem Solving Intervention Team (PSIT). The SAT/PSIT reviews the circumstances of the policy violation and the report from the assessment for possible recommendations.

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.

Drug Use Behavior Contract: is a contract between a principal or designee and a student who is in violation of the Drug, Alcohol, & Tobacco/Nicotine Use Policy. The terms of the contract may include, but are not limited to, the following:

- Required completion for student and parent/concerned adult in District approved drug use classes.
- A drug assessment provided by the school (no cost) or the community (the family incurs the cost) and compliance with the recommendations of the drug assessment; school counseling.
- An activity suspension for the balance of the scholastic year.
- Other relevant issues.

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.

Emergency Suspension: occurs with any of the above types of suspension when, because of the circumstances, and because it is necessary to protect the health and safety of all students, a student is suspended without first receiving an informal hearing on the reasons for the suspension and the opportunity to challenge those reasons.

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/nicotine 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.

Temporary Suspension: limited to 20-days or less. A temporary suspension by the principal shall not exceed five-days in length. The Superintendent or designee may extend the temporary suspension an additional 10-school days. If the Board finds that immediate return to school attendance by the temporary suspended student would be detrimental to other students’ health, welfare and safety, the Board may extend the temporary suspension for an additional five-school days. The student is considered absent for attendance purposes.

Tobacco 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.

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