Fremont County Joint School District No. 215

STUDENTS **3320**

Substance and Alcohol Abuse

The Board recognizes that use of alcohol and drugs is a serious problem and that the presence of 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). 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 a 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. Available counseling is offered at the school level. Otherwise, the student shall be provided anonymity.

The mere fact that a student previously disclosed use of alcohol or a controlled substances, in and of itself, shall not establish reasonable suspicion at a later date.

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 and notifying local law enforcement, 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. Once a student is reasonably suspected of being in violation of the law and this

policy regardless of any previous disclosure, the building principal shall immediately notify the student's parents, as well as the local law enforcement agency, if appropriate, and shall seek a law enforcement evaluation of the student. If the incident involves controlled substances, the student shall be referred to the law enforcement agency. In all other situations, referral to law enforcement shall be at the discretion of the school principal or designee. The evaluation may seek transfer of school custodial responsibility to the State Department of Juvenile Corrections.

5. Students who violate this policy will be suspended by the principal. Suspension for the first offense of this policy will be for three to five (3-5) days, unless extraordinary circumstances exist. The time period for suspension for the second or third offense will be determined at the discretion of the principal and/or superintendent. The principal and/or superintendent will determine whether or not the suspension will be served in school or out of school. If deemed appropriate by the Superintendent, he or she may request that the Board expel a student who has violated this policy for a second or third offense. Refer to Policy 3330 Discipline Policy for due process procedures and definitions.
6. As a condition of readmission, the student and parent will agree to undergo assessment and counseling for alcohol and/or drug use. The District will provide counseling services and any other services available to the student and/or the student's parents. Any student violating this policy must also sign a conduct contract before returning to school. Violation of the conduct contract may result in additional disciplinary measures. The terms of the suspension and/or conduct contract may be modified, at the discretion of the principal or superintendent, if a student who has violated this policy voluntarily completes a drug, alcohol and tobacco education course and/or undergoes assessment and treatment for drug, alcohol and tobacco abuse.
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 immediately 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, a recommendation for expulsion will be made to the Board of Trustees. The student will be entitled to full due process prior to being expelled from school. As a condition of readmission, the Board may require that the student undergo assessment and counseling for alcohol and/or drug use.

Upon adoption of this policy, the Board will provide notice of the policy to each student, parent, guardian, or custodian by publishing such notice in a newspaper of general circulation in the District. Subsequently, a copy of the policy will be provided to each new student, as well as to the parent, guardian, or custodian, at the time of original registration in a District school. The District shall provide written annual notification of the voluntary disclosure provisions of this

policy as well as counseling availability and any other pertinent information in the student handbook or other reasonable means.

Referral to Law Enforcement

Any student exhibiting inappropriate behavior that suggests using or being under the influence of controlled substances will be immediately escorted by a District employee to an administrative office for interviewing and observation by an intervention-trained specialist. Intervention trained specialists are those public school educators, counselors or administrators who have completed a student assist course related to illegal drugs, their physical characteristics, physiological effects and how student behavioral changes typically associated with the use of such products may be evidence in the classroom. Any public school educator, who has had a minimum of two (2) years experience as an intervention team member prior to May 31, 1997, is exempt from any additional training requirement. Except in the case of an emergency, the student will not be left unattended and will not be allowed to leave the school premises.

The principal or designee will refer the student to the law enforcement agency after an intervention-trained specialist, upon observing and/or interviewing the student, reasonably suspects that the student is using or under the influence of a controlled substance. The District employees will cooperate fully with any law enforcement investigation of a violation of this policy, including but not limited to providing access to lockers, desks, and other school property, and providing oral and/or written statements regarding the relevant events.

The intervention-trained individual, the principal, and/or any other employee having observed the student's behavior will document his or her observations of the student; the documentation will be provided to the law enforcement agent, and a copy will be placed in the student's discipline record.

Cross Reference:
- 3370 Searches and Seizures
- 3330 Student Discipline
- 3340 Corrective Actions and Punishment.
- 3360 Discipline of Students with Disabilities
- 4775 Required Annual Notices

Legal Reference:	Pub. L. 100-690	The Anti-Drug Abuse Act of 1988 (as amended)
	I.C. § 33-210	Attendance at Schools —Students Using or Under the Influence of Alcohol or Controlled Substances
	IDAPA 08.02.03.160	Safe Environment and Discipline

Policy History:
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