

## POLICY 5290

### Student Discipline - Drugs/Alcohol/Tobacco

#### A. Authority

1. The Box Elder School District Board of Education recognizes that the use, possession, distribution, or sale of tobacco, nicotine (including e-cigarettes, pipes, vaporizers, and other non-medically prescribed nicotine products), alcohol, narcotics, and all other controlled or dangerous drugs and drug paraphernalia constitutes a hazard to students and is illegal according to Utah State Law ([UCA 58-37-8](#), [32B-4-409](#), [76-10-104](#), [76-10-104.1](#), [76-10-105](#)). The Board also acknowledges its responsibility to educate students and parents about the potential negative effects of the use of these items. It is the intention of the Board to take proactive steps to discourage the use of alcohol, drugs, tobacco, and nicotine to facilitate and encourage treatment for students identified as users or potential users of these substances.

#### B. Definitions

1. Under this policy drugs and narcotics shall be interpreted to mean any chemical considered illegal under federal, state, or local laws, all controlled substances including but not limited to: tobacco, nicotine, alcohol or intoxicants not prescribed by a physician for current personal medical treatment.
2. A student is considered to be in violation of this policy when any of the following occur:
  - a. An educator finds the student in possession of any of the drug substances noted in this policy or drug paraphernalia as defined in this policy.
  - b. A student is found to have used any of the drug substances listed in this Policy as the result of a testing procedure. Testing procedures may include an analysis of urine, blood, breath, or other recognized procedures administered by the school or administered by someone else and reported to the school. However, a student with a positive test result under the school's random testing of students (see section G of this policy) will not be referred to law enforcement.
  - c. When questioned, a student admits that he/she has illegally used drugs identified in this policy. However, a student voluntarily disclosing a problem with a controlled substance prior to being approached by a school employee or school resource officer investigating the use of such substances will not be referred to

- law enforcement, even though other consequences listed in this Policy may be enforced.
- d. A parent notifies the school that his/her child has illegally used substances identified in this Policy and the school verifies this report.
  - e. A law enforcement report identifies a student as using or being in possession of drugs or paraphernalia listed in this policy.
  - f. Any student who distributes illegal drugs or drug paraphernalia will be considered in violation of this policy. This may include sharing of over the counter (OTC) and/or prescription medication.
3. In addition to violations noted in item #2 above, the district reserves the right to take proactive measures (parent contact, referral to law enforcement, referral for drug testing, etc.) to determine if a student may be involved with illegal usage of drugs, or in violation of this Policy if any of the following occur:
- a. The student associates with another student found to be in violation of this policy.
  - b. A student's behavior is consistent with behaviors typically associated with illegal drug use.
  - c. A student's name is included in a law enforcement report received by the school.
  - d. A building administrator reasonably determines that a student may be involved in illegal drug use.
4. Drug paraphernalia includes all equipment, products, and materials of any kind including the constituent parts thereof that are either designed for use or which are intended by the student for use in packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body drugs or a controlled substance, except those which are possessed by the student pursuant to a prescription issued by a licensed physician for current personal medical treatment.
5. Suspension is understood to mean the removal of a student from the regular school program either to a supervised location within the school or to the supervision of the parent or legal guardian. Suspension does not mean cessation of educational services.
6. Designated educator is understood to mean a member of the school staff, appointed by the principal, who is assigned to enforce provisions of this policy.
7. Substance abuse, assessment, intervention, counseling and treatment programs are

understood to mean those programs licensed by the State of Utah and recognized by the Board for the assistance of people with a substance abuse problem. The Board reserves the right to, in all cases, approve or disapprove such programs for the purpose of implementing this policy.

8. Drug awareness session is a meeting where the meeting agenda, or part of the meeting agenda, is a discussion on dangers and consequences of drug use among students. This discussion may be led by a district employee, school nurse, health department employee, law enforcement officer, etc. The discussion should be appropriate for the students attending the meeting.

#### C. Policy Statement

1. The Board is committed to the implementation of the K-12 drug program and requests administrators make sure that the State Drug/Alcohol/Tobacco Curriculum is taught at all appropriate levels. The Board also supports the use of special programs, assemblies, support sessions, legal and appropriate drug testing, clubs and organizations within the schools where such are feasible and effective to prevent and deter drug use by students.
2. The Board is committed to eliminating all drug availability at school, on school grounds and at all school activities.
3. The Board supports and encourages all approved programs, within the framework of the law that will lead to intervention and/or prevention.
4. Possession, distribution or sale of tobacco, nicotine, alcohol, narcotics, imitation drugs, and all other drugs, as defined in this Policy by anyone, is prohibited in all Box Elder School District Schools, on school grounds, at all school-sanctioned activities or when students are being transported in vehicles dispatched by the district.

#### D. Drug/Alcohol and/or Tobacco/Nicotine Violations

1. Substance abuse offenses are cumulative during the student's enrollment in each of the district's secondary schools.
2. First Violation Drug, Alcohol, Tobacco, and Nicotine
  - a. Automatic law enforcement referral for drug and alcohol cases. Referral for tobacco and nicotine products will be at the discretion of the administration.
  - b. The parent or guardian of the student will be notified of the violation.
  - c. The student shall be suspended in or out of school until such time as the parent

or legal guardian can meet with school personnel as prescribed by each individual school intervention plan.

- d. Students who are participants in extracurricular activities will be suspended from such activities for a minimum of two consecutive weeks of all games, meets, matches, competitions or performances. Practice may be continued following a personal assessment of the student by a licensed substance abuse intervention or treatment program and/or participation in a district approved intervention program. Any costs for such programs are the responsibility of the student and his or her parents or guardians. Students will be included in the random drug test group selected at the school four weeks after the first positive test; a positive result on this subsequent test will be considered a second offense.
  - e. Students may be invited to participate in a school level cessation program.
3. Second Violation Drug & Alcohol (Tobacco/Nicotine - Revert to First Violation)
    - a. Automatic law enforcement referral.
    - b. The parent or guardian of the student will be notified of the violation.
    - c. The student shall be suspended in or out of school until such time as the parent or legal guardian can meet with school personnel as prescribed by each individual school intervention plan. The student may return to school following a personal assessment of the student by a licensed substance abuse intervention or treatment program and/or participation in a district approved intervention program.
    - d. The student shall agree to participate in a drug testing program as determined by a school administrator.
    - e. Students who are participants in extracurricular activities will be suspended for a minimum of six weeks from all games, meets, matches, competitions or performances. Student participation in an assessment by a licensed substance abuse intervention or treatment program with prescribed follow-up is required. Practice may continue only after the assessment has been completed, positive participation in the prescribed follow-up is occurring, and the student has submitted a sample with negative test results, through the school's random testing program or by another reputable medical lab. Any costs for such programs are the responsibility of the student and his or her parents or guardians.
  4. Third Violation Drug/Alcohol (Tobacco/Nicotine – Revert to First Violation)
    - a. Automatic law enforcement referral.

- b. The parent or guardian of the student will be notified of the violation.
- c. The student shall be suspended in or out of school until such time as the parent or legal guardian can meet with school personnel as prescribed by each individual school intervention plan. Student participation in an assessment by a licensed substance abuse intervention or treatment program with prescribed follow-up is required. The student may return to school only after the assessment has been completed and positive participation in the prescribed follow-up is occurring.
- d. The student shall agree to participate in a drug testing program as determined by a school administrator.
- e. Students who are participants in extracurricular activities will be suspended a minimum of eighteen weeks from all games, meets, matches, competitions, performances and practices. Reinstatement of eligibility at the end of the eighteen-week suspension is predicated upon successful completion of a formal assessment, intervention and treatment program, and the student submitting a sample with negative test results, through the school's random testing program or by another reputable medical lab. In all of the foregoing offenses, local school and/or district requirements which deal with discipline, suspension, corrective measures, parent/guardian involvement, rehabilitation and so forth, must be met. Any costs for such programs are the responsibility of the student and his or her parents or guardians.

5. Distribution (For Value or Non-Value)

- a. Any student involved in distribution of alcohol, narcotics, drugs, and/or drug paraphernalia will be dealt with as a Third Violation.

E. Parent Notification

1. As per [Utah Code 53A-11-402](#), if an educator has reasonable cause to believe that a student has committed a prohibited act, including being involved in illegal drug use, the educator is to immediately report that to a building administrator.
2. Upon receiving such a report, the building administrator will meet with the student and also notify the student's parent or guardian that the report has been made.
  - a. Reports from educators will remain anonymous.
  - b. The meeting with the student and the notification to the parent must occur as soon as possible following receipt of the information.

- c. If this process finds a student to be in violation of this policy (see Section B-2 above), Section D of this policy will apply.

#### F. Drug Awareness Education

1. At least annually, and prior to any competition that involves students from another school district, all students participating in any activity that involves competition with students from another school district, and their parent or guardian, must attend a school sponsored drug awareness session.
  - a. These sessions may be included in other “parent meetings” and may include presentations by school employees and/or other agencies.

#### G. Drug Testing

1. See [Policy 5291](#)

#### H. Student Notice

1. Each school shall develop, update, submit for district administration approval and subsequently cause to be published a current Drug/Alcohol/Tobacco/Nicotine Policy consistent with this district policy and provide the same to each student and or parent(s)/guardian at the time of the student’s enrollment into each academic year.
2. All school sponsored extracurricular activity groups shall develop, update, have approved by their respective school administration and incorporate into their by-laws a Drug/Alcohol/Tobacco/Nicotine Policy that is consistent with this district policy; sanctions within school or school group constitutions or policies may not exceed or be more severe than consequences specified in the district policy. Each student member of such an activity group shall be notified by being provided a written copy of the current amended by-laws. The policy will be considered enforced once approved by the school administration. New members will likewise be notified in the same manner at the time they join or become a part of that activity.
3. The following notice will be provided to all students of the school district:

YOU ARE HEREBY NOTIFIED that use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and that it is a violation of the policy of this school district for any student to distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance as defined in [Schedules I through V of Section 202 of Controlled Substances Act \(21 U.S.C. § 812\)](#) and as further defined by regulation at [21 C.F.R.](#)

[1300.11 through 1300.15](#), before, during or after school hours, at school or in any other school district location as defined below.

“School district location” means in any school building and on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or other school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, or during any period of time when the student is under the supervision of school district personnel or otherwise engaged in a school district activity.

Any student who violates the terms of the school district’s Drug and Alcohol Policy is subject to the discipline outlined in the school district’s policies including all disciplinary sanctions consistent with local, state and federal law, up to and including expulsion and referral to prosecution and/or completion of an appropriate rehabilitation program.

**YOU ARE FURTHER NOTIFIED** that compliance with this policy is mandatory.