

POST FALLS SCHOOL DISTRICT NO. 273

Series 500: Student Policy: Conduct/Discipline

Policy No. 504.10

Policy Title: Student Drug, Alcohol and Tobacco Use

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Philosophy

The Board of Trustees recognizes that the use of drugs, alcohol and tobacco has a detrimental effect on learning and undermines a student's ability to reach their full potential. The Board is committed to preventing or intervening in student use of drugs, alcohol, or tobacco, providing a safe and secure learning environment and enhancing academic achievement. The district will provide age appropriate instruction regarding the effects of drugs, alcohol and tobacco. The Board places a high value on the involvement of 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, alcohol or tobacco 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 or tobacco in any of the following ways:

- A. Securing, Using, Possessing: attempting to secure or purchase; using or the reasonable suspicion of having used; being in possession of.
- B. 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.

Search and seizure will be in accordance with Board Policy 504.6, Sweep, Search and Seizure.

Non-school related drug use is a violation which occurs 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.

Law Enforcement

When appropriate and regardless of any previous voluntary disclosure, a student reasonably suspected of drug 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.

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 and 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 use, regardless of whether the student voluntarily discloses or is reasonably suspected, discipline may involve actions up to and including suspension and expulsion. Suspensions and expulsions of students will be in accordance with the provisions of Idaho Code 33-205, The Individuals with Disabilities Education Act and other law as may be applicable.

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 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.

False Accusation

If an investigation discloses that the reporting individual knowingly or in a malicious manner falsely accused 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.

Definitions

Alcohol: shall include beer, wine, alcoholic liquor or beverage as defined in Idaho Code.

Controlled Substances: are defined in 21 USC 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.

Drugs: shall include any alcohol or malt beverage, any tobacco 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.

Tobacco: any and all products or look-alike products containing tobacco or a nicotine delivery system to include e-cigarettes.

Reasonable Suspicion: an act of judgment by a district employee which leads to a reasonable and prudent belief that a student is in violation of this policy. The fact that a student has previously disclosed use of a controlled substance shall not be deemed a factor in determining reasonable suspicion at a later date.

Legal References: 20 U.S.C. 1400 et seq., 20 U.S.C. 3171 et seq., 29 U.S.C. 794, IC 33-1605, 33-205, 33-210, 27-2701 et seq., 23-105, 23-1001, 20-516, 9-203

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