PHILOSOPHY

It is the Idaho Legislature's intent that parental involvement in all aspects of a child's education in Idaho public schools be part of each school district's policy. Drug prevention programs and counseling for students under the custody and care of the public schools are included in this intent.

The board of trustees recognizes that student use of chemical substances, including alcohol, is a serious problem of utmost concern in our society. Drug, alcohol, and tobacco use is detrimental to a state of well-being and undermines the aim of education, which is to enable individuals to develop to their full potential. The district seeks to ensure the highest standards of learning in the classroom and recognizes that use of chemical substances—including alcohol, tobacco, and controlled substances—creates educational, economic, and legal problems.

DEFINITIONS

"Controlled substances" include, but are not limited to, opiates, opium derivatives, hallucinogenic substances, including cocaine, and 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, and stimulants.

"Course of conduct" involves a pattern or series of acts over a period of time, however short, evidencing a continuity of purpose. Course of conduct does not include constitutionally and statutorily protected activity.

"Drug" includes any alcohol or malt beverage, any tobacco product, any controlled substance, any illegal substance or mood altering substance, any abused substance, any medication not approved and registered by the school authorities, and/or any substance which is intended to alter mood.

"Intentionally harass" means 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.

"Reasonable suspicion" means an act of judgment by an intervention-trained district employee or independent contractor that leads to a reasonable and prudent belief that a student is in violation of "use" or "under the influence" provisions of Idaho Code Section 37-2732C, which defines controlled substances. Such act of judgment is based on the employee's or independent contractor's training in recognizing the signs and symptoms of alcohol and controlled substance use. The fact that a student has previously disclosed use of a controlled substance will not be deemed a factor in determining reasonable suspicion at a later date.

"School premises" includes all buildings, facilities, and property owned or leased by the district, school buses and other school vehicles, and the location of any school-sponsored activity or function.

POLICY

Students attending school in this district will not use, possess, sell, buy, or distribute drugs, including alcohol, tobacco, controlled substances, or related paraphernalia, on school premises.

Any student will violate the district's drug, alcohol, and tobacco use policy when:

1. He or she is on school premises, evidencing behavior that creates a reasonable suspicion that he or she may be illegally under the influence of drugs;

2. He or she admits to using, possessing, selling, buying, or distributing drugs, on school premises;

3. He or she is found to use, possess, sell, buy, or distribute drugs or related paraphernalia, on school premises;

4. He or she is found to possess drugs, or related paraphernalia, or to have such substances on his or her person, or in his or her locker, vehicle, or other property on school premises.

5. He or she is found to knowingly attempt to use, sell, buy, or distribute drugs or related paraphernalia on school premises;

6. He or she is found to knowingly be present when drugs or related paraphernalia are being used, sold, bought, or distributed on school premises.

ALCOHOL OR
CONTROLLED SUBSTANCES: VOLUNTARY DISCLOSURE

Any student who voluntarily discloses using or being under the influence of alcohol or any controlled substances before he or she is reasonably suspected to be in violation of the law and this policy will be provided anonymity to the extent that:

1. Disclosure is held confidential on a faculty need-to-know basis;

2. Notification of the disclosure and availability of counseling is provided to the student's parent/guardian.

ALCOHOL OR CONTROLLED SUBSTANCES: REFERRAL TO LAW ENFORCEMENT

Once a student is reasonably suspected of being in violation of the law and this policy regarding alcohol or controlled substances, regardless of any previous voluntary disclosure, the building principal or designee will immediately notify the student's parent or guardian and report the incident to the local law enforcement agency.

Any student exhibiting inappropriate behavior that suggests "using" or "being under the influence" of alcohol or controlled substances will be immediately escorted by a district employee to an administrative office for interviewing and observation by the principal or designee. 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 if, upon observing and/or interviewing the student, he or she reasonably suspects that the student is using or under the influence of alcohol or a controlled substance. 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 principal or designee, 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.

ENFORCEMENT PROCEDURES

The procedures to enforce this policy are as follows:

1. **Suspension/Expulsion:** 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.

2. **Referral to Law Enforcement:** The student will be referred to the law enforcement agency, if appropriate. If the incident involves using or being under the influence of alcohol or controlled substances, the student will be referred to the local law enforcement agency. In all other situations, referral to law enforcement will be at the discretion of the school principal or designee.

3. **Search and Seizure:** A student's person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school official has reasonable cause to believe that the student is in possession of alcohol, drug paraphernalia or drugs. Any evidence that a student has violated the law and this policy may be seized by the principal or designee. When a pat down search of a student is conducted, the person conducting the search shall be the same sex as the student. A witness of the same sex as the student shall be present during the search.

   Lockers and desks are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and desks. Authorized school officials may open and inspect lockers and desks when there is reasonable cause that the locker or desk may contain items which may be a threat to safety and security. Such a search may be conducted without a search warrant, and without notice or consent.

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

4. **Parent Contact:** The student's parent/guardian will be contacted as soon as possible following any violation of this policy.

5. **Conduct Contract:** Any student violating this policy must sign a conduct contract before returning to school. Violation of the conduct contract may result in additional disciplinary measures.

6. **Drug, Alcohol, and Tobacco Assessment/Treatment:** 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.

STUDENTS WITH DISABILITIES

Suspensions and expulsions of students with disabilities as defined by Public Law 94-142 and subsequent amendments (Individuals with Disabilities Education Act), Section 504 of the 1973 Rehabilitation Act, and the Americans with Disabilities Act will follow federal guidelines as well as the provisions of this policy.

IMMUNITY FOR GOOD FAITH IMPLEMENTATION

District employees and independent contractors of the district who implement this policy in good faith and with appropriate foundation are immune from civil liability.

INTENTIONAL HARASSMENT

District employees and independent contractors of the district are prohibited from using their authority to determine reasonable suspicion solely for the purpose of intentionally harassing a student. Using the authority in such a manner may result in disciplinary action against the employee or may be considered a breach of the district's contract with the independent contractor.

NOTICE

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 initial registration in a district school.

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LEGAL REFERENCE:

Idaho Code Sections
- 33-205
- 20-516
- 33-210
- 37-2705
- 37-2732C

Drug-Free Schools and Communities Act of 1988
- PL 100-690 and all subsequent amendments

Individuals with Disabilities Education Act
- PL 94-142 and subsequent amendments

Section 504 of the 1973 Rehabilitation Act
Americans with Disabilities Act

ADOPTED: 5/10/2004

AMENDED: 6/13/05, 1/9/07