

## STUDENTS

### Use Or Possession of Drugs or Alcohol

#### PURPOSE

The policy establishes procedures to be followed by administration and staff members in dealing with use, possession, delivery, sale or attempts at any of the same by students or others when on or about school grounds, during the school day, at extracurricular or other school-sponsored activities, while engaged in transportation to or from school (whether or not such transportation is provided by the school district) or in any other circumstances reasonably related to school or school activities. The authority of administration and staff members extends to students of this school district when such students are present at district-approved or sponsored events being held at another school district or on private or other property.

#### DEFINITIONS

1. Drug: “Drug” means
  - (A) any substance recognized as a drug in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; or
  - (B) any substance intended for use in diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; or,
  - (C) any substance intended to affect the structure or any function of the body of man or animal, or intended or used by an individual to alter mood, psychological state, emotion or affect (not including food); or
  - (D) marijuana, hashish, or any other form of cannabis sativa; or
  - (E) any device, other physical object, or means of utilizing drugs or alcohol, or altering or increasing their potency or effect; or,
  - (F) Any substance which looks like a drug because of appearance similar or identical to actual drugs (so called “look-alike drugs”) if the student or other person subject to this policy believes or represents the substance to be a drug; or
  - (G) Any substance, irrespective of whether it looks like a drug, if the student or other person subject to this policy believes or represents the substance to be a drug; or
  - (H) other substances which are identified as intended for or used as a component of or precursor of any substance specified in clause (A), (B), (C), (D) or (E) above.

“Drug” does not include any medication prescribed for a student by any properly licensed medical practitioner, if properly used for that purpose, and in such fashion as is consistent with all other relevant policies of the Board or rules of the administration or teachers.

2. Local authorities: “Local authorities” means any duly authorized organized State, County, or Municipal peace officer, including, without limitation, juvenile officer.
3. Staff members: “Staff members” means any certificated or non-certificated employee of the District.
4. Alcohol: “Alcohol” includes any alcoholic beverage or any substance capable of being ingested which contains ethyl alcohol. “Alcohol” also includes any substance which a student believes or represents to contain alcohol, irrespective of its actual nature.
5. “Possession, Use, Delivery or Sale: “Possession,” “use,” “delivery,” or “sale” includes an attempt by a student to possess, use, deliver or sell, irrespective of whether such attempt was successful.

#### STUDENTS SUSPECTED OF POSSESSION, USE, DELIVERY OR SALE OF DRUGS OR ALCOHOL

Section 1 Nothing in this policy is intended to preclude or interfere with investigations of student misconduct, or requires a staff member or administrator to take action which would interfere with any pending investigation, including prematurely notifying or otherwise giving information to any student that he, she or any other student is being investigated in respect to misconduct.

Section 2 When a staff member has reasonable suspicion that a student is engaged in an act of possession, use, delivery or sale of drugs or alcohol, the staff member shall either escort the student to the office of the building principal or detain the student and summon the principal. The staff member shall provide the principal a detailed narrative of the facts which support the staff member’s belief that the student has engaged in such an act. The staff members shall turn over to the principal any tangible evidence of drugs or alcohol. The staff member shall reduce to writing all pertinent facts surrounding the situation and shall submit same to the principal.

Section 3 If the principal concurs that reasonable suspicion exists that a student may possess drugs or alcohol, or has other physical evidence of use, sale, delivery or possession of drugs or alcohol, the principal, in the presence of a staff member of the same sex is authorized to search the student. The principal shall first explain to the student why there is reasonable suspicion to believe that the student has engaged in an act of possession, use, delivery or sale of drugs or alcohol. After such explanation the principal shall seek the student’s voluntary disclosure of any tangible evidence of such act. Whether or not voluntary disclosure is obtained, the

principal may search the student's person, as is warranted by the particular facts and circumstances.

The following factors shall be considered in determining the intrusiveness of any search conducted pursuant to this policy:

- A. The danger presented by the substance being sought.
- B. The student's age and record of conduct.
- C. The urgency of making the search without further delay.
- D. The nature of the substance being sought.

(Strip and body cavity searches (except the mouth) are prohibited.)

If the principal has reasonable suspicion to believe that evidence of violation of this policy exists on or in property possessed, controlled or used by the student, the principal shall seek the student's consent to conduct a search. If consent is not obtained, the principal or a designated certificated employee, in the presence of another staff member, may conduct a search of the student's property, including, for example, the student's vehicle, book bag, hand bag, purse, or any other property in the possession, control or use of the student.

Section 4.

Whenever there is reasonable suspicion to believe that a locker or desk contains evidence of violation of this policy, the administration or a designated staff member shall have the authority to conduct a search of the locker or desk. If a staff member has such reasonable suspicion, the staff member shall advise the principal of the facts which support the staff member's conclusion that reasonable suspicion exists. The staff member or administrator shall reduce to writing all pertinent facts surrounding the situation.

Section 5.

Any staff member or administrator who obtains what is believed to be drugs or alcohol during a search or investigation shall place the same in an envelope or other appropriate container, which shall be sealed and initialed by the staff member or administrator.

Whenever the substance constitutes evidence of the commission of the crime, or is illegal contraband, the building principal shall call local authorities, who shall be requested to pick up the sealed materials. A sealed envelope or container of such evidence shall be handed to the local authorities personally by the building principal and he/she shall obtain a receipt therefore. If the substance appears to be pharmaceuticals or other medications, the building principal may request the assistance of a pharmacist to identify the substance (for example, pills or capsules). If appropriate or useful, the building principal may request of local authorities that a chemical analysis of any substance be obtained, and that they provide the principal a written report. However, this shall not be necessary if the principal is able to identify the substance by other means.

Section 6.

The building principal shall comply with the provision of the Policy of the District entitled "Exclusion of Students" and may impose penalties upon students consistent with such policy.

STUDENTS SUSPECTED OF POSSESSION OF DRUGS OR ALCOHOL IN UNATTENDED VEHICLES

Section 1. Any staff member who reasonably suspects that drugs or alcohol may be located in a vehicle owned, used or controlled by a student and located on school property, adjacent thereto, being used by a student for transportation to and from school or a school-sponsored activity, or used in any activity reasonably related to any school or school-sponsored activity shall, if possible, contact the building principal and inform him/her of the situation. Whenever practicable, the vehicle shall be kept under observation by the staff member. The staff member shall document the facts surrounding the situation, including (to the extent known) the vehicle make and model, license plate number, location and a summary of the facts of the situation.

Section 2. If the building principal concurs that there is reasonable suspicion to believe that the vehicle described in Section 1 above contains drugs or alcohol, the principal shall conduct a search of the vehicle. If the vehicle is locked, any person who owns or has authorized access to the vehicle may be contacted for purposes of accessing the vehicle's contents, including, if appropriate under the circumstances, the student who owns, possesses or uses the vehicle. However, if reasonable suspicion exists, consent is not necessary and the vehicle may be searched.

STUDENTS WHO APPEAR TO BE UNDER THE INFLUENCE OF DRUGS OR ALCOHOL

Section 1. If a student is observed by a staff member to be displaying behavior which may be due to the use of drugs or alcohol, the staff member shall, (whenever practical) report the situation to the building principal. The staff member shall enlist medical assistance if the student appears to be seriously impaired, or may be a danger to himself or others.

Section 2. In situations where a student does not require immediate medical attention, the staff member shall report the situation to the building principal. After consultation with the principal, the principal or staff member may:

- A. Discuss the problem with the student and consider parental involvement.
- B. Determine what additional aid may be available to the student from school or outside agencies.
- C. If it is not advisable to keep the student in school, send the student home after contacting the parents or guardians.
- D. Refer the student to a counselor, school psychologist, social worker or other staff member who is considered to be competent to assist students who use or abuse drugs and/or alcohol.
- E. Contact the local authorities for further disposition.
- F. Impose any penalties provided by the Board policy "Exclusion of Students."

Any involved staff member shall prepare a written statement of the situation for the principal, and same shall be retained by the building principal.

Section 3 In situations where the student appears to be in immediate need of medical attention, the staff member shall report the situation to the building principal whenever practical. The staff member or building principal shall:

- A. Request aid, to include a doctor, nurse or ambulance as the situation appears to warrant.
- B. If feasible and apparently safe to the student, place the student in a quiet and comfortable environment.
- C. Apply or enlist assistance for first aid.
- D. Attempt to determine, without force, what substance was taken, by what method, and in what quantity.
- E. Prepare a written statement of the situation. The staff member should submit the same to the building principal as soon as practicable.

In any such circumstance, the building principal, if practicable, or any other certificated employee designated by the principal, should contact the student's parents or guardians immediately.

PERSONS OTHER THAN STUDENTS WHO MAY POSSESS, DELIVER OR SELL DRUGS OR ALCOHOL ON SCHOOL PROPERTY

Section 1 If a staff member has a reasonable suspicion to believe that a person other than a student is in possession of, selling or delivering drugs or alcohol at school, at school-sponsored events or at or near school or school-sponsored activities or any activity reasonably related to a school-sponsored activity, the staff member shall, if capable and it is safe to do so, apprehend and escort the person to the building principal. If the staff member is uncertain of safety, the staff member shall immediately contact local authorities or, at the direction of the building principal, the building principal shall do so. If possible, the person shall be kept under observation until local authorities arrive.

NOTIFICATION OF BOARD OF EDUCATION

The Board of Education shall be advised by the unit superintendent of all situations arising under this policy.