

# Emery County School District



## Policy: JICH—Alcohol and Drug Use by Students

Date Adopted: 15 February 1989  
Current Review / Revision: 8 April 1998

### Rationale

The Board of Education of the Emery County School District recognizes that all students have a right to attend school in an environment that is safe and conducive to learning. Since alcohol and other drug abuse is illegal and interferes with both effective learning and the healthy development of children and adolescents, the District has a fundamental legal and ethical obligation to prevent drug abuse and to maintain a drug-free educational environment.

### Definition of Terms

The words “use”, “possession”, “sale”, “drug paraphernalia”, “alcoholic beverage”, “drugs”, “controlled substances”, and “imitation controlled substances”, shall have the meanings ascribed to them in the Utah Code. “Resorting/visiting” means knowingly and intentionally being present where controlled substances are being used or possessed on school grounds or school activities where use is open, obvious, apparent, and not concealed from those present. The word “parents” means natural parents, foster parents, or legal guardians. The words “designated educator” means the individual designated by the principal of a school to receive from other school personnel reports of prohibited acts by students. “Employee” means a person employed by the District.

### Statement of Policy

The Board of Education recognizes that the illicit use, possession, distribution, or sale of alcohol, controlled substances, imitation controlled substances, or drug paraphernalia constitutes a hazard to students and is illegal under the statutes of the State of Utah. Therefore, the use, possession, distribution, or sale of such substances and paraphernalia are prohibited on any District-owned property, at any activity sponsored by any of the District schools, or when students are being transported in vehicles dispatched by the District or school whether or not it is District-owned property or during regular school hours.

### Policy Goals

- a) to eliminate the disruptive influence of drug and alcohol use on students and the educational process;
- b) to provide protection of the health and welfare of all students as required by the doctrine of in loco parentis;
- c) to help students become capable young people who will not need to use controlled substances or exhibit aberrant behavior;
- d) to provide a management framework for administrators to provide equitable and expeditious handling of alcohol and drug related incidents; and
- e) to make optimal use of opportunities available to educators to assist students involved with alcohol and drugs.

## Report of Violations of the Drug and Alcohol Policy

### a) Mandatory Reporting:

Any employee who has reasonable cause to believe that a student has committed a prohibited act as outlined in III above shall immediately report it to the school's designated educator.

### b) Reporting Procedure:

1. Employees shall report suspected violations of this policy to the principal or designated educator.
2. Parent(s) will be notified by the principal or designated educator of suspicion as soon as possible and a request for a parent/student conference will be made at that time.
  - (a) The purpose of the conference will be to provide parents with information concerning suspected violation of this policy by their child and to help parents become aware of potential problems and dangers associated with substance abuse.
  - (b) The school will also provide information to parents helping them to seek help for further evaluation of the child from outside agencies.
  - (c) The District, in complying with Utah's mandatory report law, will not be held responsible for any financial action resulting from the disclosure, assessment, treatment or counseling. Payment for services or materials provided by substance abuse professionals who are not District employees will be the responsibility of the parents.
3. The principal or designated educator shall not disclose to the student or to the student's parent(s) the identity of the employee who made the initial report.
4. The Board recognizes that what is illegal out of school is also illegal in school. The Board further acknowledges that the District's mission is to educate rather than that of law enforcement. Violations of this policy may be reported to an appropriate law enforcement agency by the principal or the designated educator.
5. In reporting suspected violations of this policy, employees should bear in mind that: (See Exhibit A).
  - (a) Protecting students from harm (by themselves or from others) is the first priority.
  - (b) Employees should not be expected to endanger themselves in an effort to enforce this policy.
  - (c) Employees are not policemen, and should not be expected to act as such.
  - (d) Few students in trouble with drugs and alcohol will willingly seek help. Reporting suspected violations which may result in causing violators to face penalties or participate in treatment is the most caring and loving act that can be performed in their behalf. Reporting must not be considered as tattling.
6. In reporting a student suspected of possession or using drugs or alcohol, the procedure outlined in Exhibit A should be followed.

7. In reporting a student suspected of distributing or selling drugs or alcohol, the procedure outlined in Exhibit B should be followed.
8. If an intruder (trespasser) is identified as supplying drugs or alcohol, the principal or designated educator should call the sheriff to investigate and remove the intruder, and should assist the sheriff by preparing a list of potential witnesses.

### **Procedural Due Process**

Students must be granted due process rights secured by the U.S. Constitution. Due process requires that if a student is to be suspended for 10 days or less:

- a) The school must inform the student, in writing or verbally, of the charges and of the evidence to support those charges. (Notice).
- b) The school must provide the student an opportunity to deny the charges and present the other side of the story. (Hearing).
- c) The notice and hearing should precede the suspension. However, a student whose presence may reasonably be viewed as presenting a continuing danger to persons or property, or a threat to disrupt the academic process, may be immediately suspended from school. The notice and hearing should follow the suspension as soon as possible.

If a student is to be suspended for more than ten (10) days, or be expelled, more formal due process procedures are required. These procedures include:

- a) Notice must be given in writing of the specific charges which, if proven, would justify the extended suspension or expulsion.
- b) Names of witnesses must be provided to the offender and an oral or written report on the facts to which each witness will testify, provided that school officials may withhold names of witnesses if disclosure of names might lead to reprisals against witnesses, or if other compelling circumstances supporting non-disclosure exist.
- c) The student must be given a reasonable opportunity to present a defense and to produce witnesses or testimony relating to the issues to be discussed in the hearing.

### **Penalties for Drug/Alcohol Related Activities**

Disciplinary action, independent of any court action, will be taken by the District in cases involving the use, possession, distribution or sale of alcohol, controlled substances, imitation controlled substances, drug paraphernalia, or for students visiting/resorting. Students may be subject to immediate in-school- suspension, suspension, change of school program, or possible expulsion for violation of the policy.

- a) A student who violates the District Alcohol and Drug policy for the first time shall be suspended from school for a minimum of three (3) days to a maximum of ten (10) days, as determined by the school principal. (See Exhibit B).
1. A student returning to school following a suspension shall be automatically referred to the school

counselor/advisor for supportive follow-up.

2. A non-use contract shall be signed by the student, parent, and the designated educator. (See Exhibit C).
  3. The student shall complete (at District expense) counseling sessions at school with the Four Corners Mental Health organization and at least one parent should be encouraged to participate in these sessions. However, if the student and parent so desire they may choose counseling (at their own expense) from one of the licensed counseling agencies. They must provide proof of counseling arrangements, at the beginning of counseling, to the principal. At the end of counseling they must submit to the principal a letter stating counseling has been completed.
  4. If the student fails to complete a counseling program as outlined in 3 above, the student will be assigned to an alternative school program.
  5. The student shall participate in a formal alcohol and/or drug assessment which is provided by the District, or from any alcohol and drug treatment agency approved by the District, with the cost of the alternative assessment assumed by the parents. Failure to secure such an assessment may result in further appropriate action such as placement in an alternative school program.
  6. A student who participates in school sponsored activities and functions such as clubs, teams, band, choir, etc. or who serves as an elected or appointed student body or class officer shall not participate during the time of suspension. During the professional counseling period provided, participation in school activities is dependent upon faithful attendance at the counseling session or counselor recommendation. To return to such activities, the student must also be in good standing with the school principal who will authorize any return to participation in such activities.
- b) A student who violates the District Alcohol and Drug policy a second time shall be expelled from school if he/she has attained the age of 16 years or more. If under 16 years of age, the student will be placed in an alternative school arrangement.

### **Student Self-Referral**

If a student voluntarily admits to having a drug or alcohol abuse problem, the District will provide a conference with the principal or designated educator, waive the school penalties regarding suspension, ineligibility to participate in school activities, and reporting to the sheriff. The District will provide counseling for first time offenders as outlined in VII, A, 3. Possible additional resources for assistance will be provided and the student's participation in the Peer Helper Program will be encouraged.

### **Confidentiality**

The District will maintain confidentiality concerning offenders of this policy in accordance with the Family Educational Rights and Privacy Act and appropriate State regulations.

### **Searches and Seizures**

To enforce this policy, the District reserves the right to conduct searches and seizures in accordance with standards established by the U. S. Supreme Court and the State of Utah. The administration shall provide staff with current information and training regarding those standards.

## **Drug/Alcohol Related Emergencies**

Emergencies related to use of drugs or alcohol will be handled in the same manner as a serious accident or illness.

## **Drug and Alcohol Curricula**

The Board recognizes that one of the most effective tools to help students combat the use of drugs and alcohol is to have instructionally sound drug and alcohol education units that are progressively reinforcing from kindergarten through high school. These units are to be well integrated into the regular curricula and designed to build awareness of the harmful effects of alcohol, tobacco, marijuana, cocaine, and other psychoactive drugs. The Board directs that such curricula be implemented in the District's schools at each grade level. All teachers are to participate in in-service training components on drug education designed to help them feel comfortable in using the curricula and understanding the value in preventing student experimentation with and use of drugs which may lead to eventual dependency.

## **Communication of the Drug and Alcohol Policy**

The Board directs that this Drug and Alcohol policy be formally communicated to faculty, students, and parents, at least annually.

## **STUDENTS SUSPECTED OF POSSESSION/USING DRUGS OR ALCOHOL**

If a student is suspected of possession/using drugs or alcohol:

- a. The student should be accompanied by an employee to the principal's office and should be maintained in a secure area of the building apart from other students and under direct observation and supervision.
- b. As soon as possible, the principal or designated educator will notify the student's parents and request a conference at the school.
- c. The sheriff will be called.
- d. The principal or designated educator will discuss the incident with the student and his/her parent(s). If no acceptable explanation is offered, the principal should impose prescribed penalties (see section VII, A and B).
- e. The principal or designated educator will tell the student and parent(s) about community resources which offer treatment or offer assistance for young people suffering drug and alcohol related problems. It should be made clear to the parent(s) and student that referral to these resources does not preclude the imposition of prescribed penalties for violation of school policy.

## **STUDENTS OR TRESPASSERS SUSPECTED OF SUPPLYING DRUGS OR ALCOHOL**

- a) If a student is suspected of supplying drugs or alcohol, the suspected student should be placed under close surveillance.
- b) When an administrator, teacher, other school employee, or law enforcement officer observes a student exchanging drugs or alcohol for goods, money, or any other consideration, then the student should be taken by the school employee to the principal's office and kept there under supervision until the sheriff arrives. The parent(s) should also be notified.

- c) If a trespasser is identified as supplying drugs and alcohol, officials shall call the sheriff to investigate and remove the trespasser. If feasible, an employee who observes a substance-related incident in progress should secure the assistance of a second employee in managing and reporting the situation.

## **HANDLING AN ALCOHOL OR DRUG RELATED EMERGENCY**

In general, a drug or alcohol related emergency should be handled like a serious accident or illness:

- a. Do not delay in calling for medical assistant (e.g., ambulance, EMTs).
- b. Contact parents immediately. If they are unreachable, continue with efforts to provide emergency medical assistance. If the student is conscious and coherent, ask the student what drug was used, when the student used it, and if the student has any of it in his/her possession. Be prepared to supply this information, and the substance, if available, to medical personnel for analysis. This will be very helpful for diagnosis and treatment.
- c. Designate a member of the faculty to accompany the student to the hospital or emergency medical facility.

Among the behavioral indications that a student may be suffering from a drug reaction that requires medical assistance are the following:

- a. visual, auditory or tactile hallucinations. The student is seeing, hearing, or feeling things which are not there;
- b. violent activity, including uncontrollable movements of the body, unusual strength;
- c. inability to stop crying, laughing or talking;
- d. incoherence and/or failure to respond to gestures of concern or restraint, overt paranoia, hysteria;
- e. semi-consciousness, unconsciousness, dazed condition; and/or
- f. vomiting, stomach pains, headache, or other physical symptoms that student attributes to drugs.

## EXHIBIT A

### PRINCIPLES AND STEPS FOR INTERVENING WITH A SUSPECTED DRUG USER

A primary concern of all educators should be the academic performance of the students. Educators are not trained as diagnosticians or treatment professionals, and therefore, they should not attempt to perform such functions.

When and if a student is suspected of possession/using drugs or alcohol, the educator suspecting such behavior should:

- a. Express concern for the academic performance and/or misbehavior of the student under suspicion and specifically detail the evidence substantiating the concern.
- b. Ask for an explanation of the problem from the student and/or his/her parent(s).
- c. Listen carefully to what the student/parent(s) have to say; determine the legitimacy of the explanation, and then determine what form of action is necessary to resolve the situation. A form of action should then be established (preferably in writing) setting forth a specific time and place for a follow-up meeting to assess progress and to determine further steps of action, if necessary.
- d. Clearly set forth the consequences that will ensue, if no acceptable explanation is offered and if changes are not effected, i.e., academic failure, disciplinary actions, etc.

Following is a suggested meeting/conference agenda for working with a suspected drug user:

- a. a private meeting with the student;
- b. a second meeting with the student to assess progress
- c. If progress has been made, establish further meetings as deemed necessary with the student to consolidate and support progress.
- d. If progress has not been made, then a conference should be set up with the student and his/her parent(s) to determine a plan of action to help the student. Additional information from other faculty members documenting similar performance decrements of the student should be gathered and made available for this conference.
- e. A second conference with the parent(s) should follow to assess student's progress.
  - 1) If progress has been made, a follow-up plan should be determined to consolidate and support progress.
  - 2) If improvement has not occurred, it should be so documented and consequences for continued failure to resolve the problem should be stated. At this point, possible drug use should be suggested as a possible explanation and resources for assistance should be offered. If the student and his/her parent(s) deny the existence of problems (particularly drug use) then the school should continue to apply appropriate consequences with the expectation that the accumulated evidence will ultimately convince the parents to take action.

**EXHIBIT B**  
**GUIDELINES FOR A TEMPORARY SUSPENSION**

If the school principal determines that a suspension is required, he/she shall:

1. Follow due process procedures. Due process requires that the student facing suspension must be given:
  - a) oral or written notice of the charges against him/her;
  - b) an opportunity to hear the evidence the authorities have and an opportunity to respond if the student denies the charges; and
  - c) notice and hearing before the student is removed from the school. There need be no delay between the time notice is given and the time of the hearing.
2. Make a reasonable effort to notify the parent(s) or guardian(s) by telephone of the action being taken. If the parent(s) cannot be reached by phone, the pupil may be excluded from class but must remain at school, or be released to the sheriff. If the behavior of the pupil is, in the judgment of the principal, harmful to himself/herself or others, the principal should request assistance from the sheriff to effect the pupil's removal from the school building.
3. Prepare a letter containing the following information:
  - a) reason(s) for the suspension;
  - b) date of suspension;
  - c) date and time of the conference. The conference shall be held prior to the last day of suspension; and
  - d) notification that the pupil is prohibited from participating in any school activity or from appearing on public school property until the suspension is terminated.

There are recurring situations in which prior notice and hearing cannot be insisted upon. Students whose presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school. In such cases the necessary notice and rudimentary hearing will follow as soon as practicable. Determination as to whether a student's presence poses such a continuing danger shall be made by the school principal or designated educator.



**EXHIBIT C**  
**STUDENT DRUG AND ALCOHOL NON-USE CONTRACT**

I, \_\_\_\_\_, as a student in the Emery County School District, understand the following:

1. I have violated the Emery County School District Alcohol and Drug Use Policy (first offense).
2. I am aware that if I further violate this policy I will be expelled from school, if 16 years of age or older, and will automatically be referred to appropriate law enforcement officials for further action. If under 16 years of age, I understand that I will be placed in an alternative education program and automatically referred to appropriate law enforcement officials for further action.
3. I hereby agree that I will not use, possess, sell, or distribute any controlled substances (drugs, alcohol, paraphernalia, etc.) at school or at any school sponsored activity.

\_\_\_\_\_  
Student's Signature

\_\_\_\_\_  
Date

I, \_\_\_\_\_, as the parent/guardian of  
\_\_\_\_\_ have read the above contract and understand the consequences of any further violations of the alcohol and drug use policy.

\_\_\_\_\_  
Parent/Guardian Signature

\_\_\_\_\_  
Date

As the designated educator/principal for the above named student, I have personally reviewed this contract with the student and parent/guardian and witnessed their signatures.

\_\_\_\_\_  
Designated Educator/Principal

\_\_\_\_\_  
Date