

Substance Abuse by Students

Students shall not use, possess, bring, sell, distribute, supply, transfer, or be under the influence of a controlled substance as defined in Board Policy JICH while inside a school building or facility, on or near school grounds during the school day, in school vehicles, in attendance at any school activities whether on or off school grounds or when off school grounds where such behavior is determined to be detrimental to the welfare and/or safety of other students or school personnel.

Type A Violation

Using, possessing, being under the influence of a controlled substance, sharing or distributing of a controlled substance while on school grounds, being in possession of paraphernalia that is associated with the use or distribution of a controlled substance, in school vehicles or at any school activity whether on or off school grounds, or when off school grounds where it is found to be detrimental to the safety and/or welfare of students or school personnel:

Consequences for First Violation:

- The student shall be suspended for a period of time from two to five days.
- Parent(s)/guardian(s) of the student shall meet with the school principal or designee to clearly present the situation and consequences for a subsequent violation.
- The situation shall be reported to the local law enforcement agency of the jurisdiction where the incident occurred.

The principal may agree to defer or reduce the suspension of the student only if the student and parent(s)/guardian(s) agree to attend an approved drug education diversion activity. Such agreement shall be placed in writing during the meeting with the principal or designee within the initial suspension period with a "time certain" established for this activity to be completed. This diversion activity must be attended by the parent(s)/guardian(s) and student at the next regularly scheduled program date and time or as soon thereafter as possible and agreed upon. Failure to agree or failure to attend the diversion activity, if initially agreed upon, shall cause the student to be suspended from school.

Consequences for Second Violation:

- The student shall be suspended for no less than ten days and expulsion proceedings will be initiated in accordance with Policy JKD/JKE-R.
- The parent(s)/guardian(s) of the student will be informed of the situation by an initial telephone call by the principal or designee followed by a personal conference where the details of the expulsion proceedings shall be told to the student and parent(s)/guardian(s) and the possibility of a deferral of expulsion option as provided in this regulation.
- The situation shall be reported to the local law enforcement agency of the jurisdiction where the incident occurred.

Type B Violation

A Type B violation shall be determined in cases where the selling of a substance, as defined in this policy, shall be verified.

Selling is defined as providing and/or distributing a controlled substance personally or through a secondary party for remuneration of money or other tangible goods or services of material value.

Selling of a controlled substance shall be deemed detrimental to the welfare and/or safety of other students and school personnel under any of the following circumstances: while inside a school building or facility, on or near school grounds during the school day, in school vehicles, in attendance at any school activities whether on or off school grounds; and selling of a controlled substance off school grounds which is verified by a preponderance of evidence that such sale did occur.

Consequence for First and Any Subsequent Violation:

- The student shall be suspended for no less than ten days, with an extension requested, if necessary, and expulsion proceedings will be initiated in accordance with JKD/JKE-R.
- The parent(s)/guardian(s) of the student will be informed of the situation by an initial telephone call followed by a personal conference where the details of the expulsion proceedings shall be told to the student and parent(s)/guardian(s). The parent(s)/guardian(s) will also be provided with written details regarding the incident and the process.
- If it is found that expulsion is warranted, the expulsion shall be for no less than two full school semesters (three trimesters) with no readmission available.
- The situation shall be reported to the local law enforcement agency of the jurisdiction where the incident occurred.
- The Expulsion Hearing Officer shall have the option to recommend to the Superintendent an alternate plan or duration of expulsion under unusual or extraordinary circumstances.

Definitions

Possessing

For the purposes of this regulation, the term "possessing" shall mean physical possession or control (e.g., on the student, or in the student's locker, backpack, purse, vehicle, etc.) of a controlled substance.

Conduct Which is Detrimental to Others:

For the purposes of determining whether conduct off of school grounds constitutes behavior that is detrimental to the welfare and safety of other students or school personnel, the administration should consider the totality of the circumstances in each situation, including, but not limited to, the following factors:

- degree of the negative impact on other students and/or school personnel
- other number of students affected
- location where such conduct occurred and its proximity to school grounds
- whether such conduct occurred during the school day
- whether the student left school premises to engage in such conduct
- whether the student induced others to leave school premises to engage in such conduct

- whether the student returned to school after engaging in the prohibited conduct
- degree of the resulting negative impact of such conduct on school activities, school personnel, or the educational process, including disruption and interference of the educational process
- other factors which the administration deems relevant and which are related to the welfare and safety of students, school personnel, or the operation of school, school activities, or the educational process

Drug Paraphernalia

For purposes of this policy, drug paraphernalia includes equipment, products, and materials of any kind which are used, or intended to be used, by the student for the manufacturing, compounding, processing, distributing, packaging, inhaling, or ingesting of a controlled substance, such as scales/balances (used or intended for use in weighing or measuring controlled substances), capsules or envelopes for use in the packaging or distribution of controlled substances, bongs, pipes, and other similar items.

This regulation supplements authority conferred elsewhere by either Board policy or state statute and shall not be deemed to limit or suspend such other authority.

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