

JCDAD Tobacco /Alcohol/Drug Policy

Philosophy

It is the philosophy of Unified School District No. 480 Board of Education that all students have the right to attend school, to work in an environment that is conducive to learning and to take advantage of a public education. The use, possession, or distribution of alcohol, and illicit drugs or controlled substances, or the “improper use of legal drugs” is recognized to be very harmful to individuals who use them and to those around them. Students have the right to be educated in a drug-free environment. Therefore, the use, possession, or distribution of alcohol, illicit drugs or controlled substances, are forbidden at school, on school property, at school activities, or in school vehicles. The following procedures are to insure the consistent enforcement of the USD 480 Tobacco/Alcohol/Drug Policy. These procedures are in effect at school, on or in school property or at any school-supervised or school-sanctioned activities, programs or events. These administrative procedures describe the step-by-step process which must be followed in each case involving:

- Use, possession, or distribution of tobacco (including E-cigarettes and vapor pens).
- Use, possession, or distribution of Prescriptive/Over-the-Counter Medications
- Use, possession of drug paraphernalia, alcohol, or illegal drugs, or being impaired by or under the influence of alcohol or illegal drugs.
- A student being impaired by or under the influence of alcohol or illegal drugs at school, on or in school property, or at school-sponsored activities, programs or events
- Distribution of drug paraphernalia, alcohol or illegal drugs.

Definitions

- **“Illegal drugs”** means any substance which an individual may not legally sell, possess, use, distribute or purchase under either Federal or Kansas law, as well as any performance-enhancing drugs. For purposes of this policy, the term “illegal drugs” includes, but is not limited to, all scheduled drugs as defined by Kansas law, all prescription drugs obtained without authorization and all prescriptions and over-the-counter drugs being used for an abusive purpose.
- **“Improper use of prescription drugs”** is defined as: the use by a person other than the person for whom the prescription was written, or in dosage(s) other than that prescribed.
- **“Improper use of over-the-counter medications or other products”** is defined as the use in amounts greater than the recommended dosage on the label or for purposes other than those stated on the label.
- **Performance-enhancing drugs”** includes anabolic steroids and any other natural or synthetic substance used to increase muscle mass, strength, endurance, speed or other athletic ability. The term “performance-enhancing drugs” does not include dietary or nutritional supplements, such as vitamins, minerals and proteins that can be lawfully purchased in over-the-counter transactions.

I. TOBACCO/E-CIGARETTES/VAPOR PENS

A. USE AND/OR POSSESSION AND/OR DISTRIBUTION

1. First Offense

Step 1: When there is a reasonable suspicion that a student has used or has tobacco in his or her possession at school or a school-sponsored activity, program or event, the administrator or designee should keep the student under the observation by an appropriate person and shall conduct an investigation into the matter as soon as practicable.

Step 2: If in the course of the investigation and any subsequent hearings convened on this matter the student is determined to have used or have been in possession of tobacco at school or a school-sponsored activity, program, or event; a short-term suspension for three (3) days shall be imposed.

Step 3: The administrator or his or her designee making such determination will call a the student's parent or guardian informing them of the nature of the problem requiring the student's removal from the school setting.

2. **Second Offense**

Steps 1 through 3 under the "First Offense" shall be followed with the exception that the student will be suspended for a period of five (5) days.

3. **Subsequent Offenses**

Step 1 through 3 under “First Offense” shall be followed, with the exception that the student will be suspended for ten (10) days, with a subsequent extended-term suspension/expulsion hearing, to be held for determining if an extended-term suspension/expulsion of the student is appropriate under the circumstances. The student, as an alternative to the imposition of suspension for an extended term or expulsion may choose to enter into and successfully complete a tobacco cessation program approved by the district at the parents’ expense and to return to school on a probationary status; PROVIDED HOWEVER, in the event the student fails to successfully complete the program, then upon notification thereof to the school district, the extended term suspension or expulsion will be immediately imposed without necessity of an additional hearing.

In the event a student has previously elected the alternative of a tobacco cessation program approved by the district, regardless of whether such program was successfully or unsuccessfully completed the student shall not be afforded that opportunity again as an alternative to extended term suspension or expulsion.

4. **Immediate Suspension**

Notwithstanding the foregoing, a short-term suspension of up to ten (10) days may be imposed upon a student forthwith and without affording the student a hearing at the time of imposition if the presence of the student endangers other persons or property or substantially

disrupts, impedes or interferes with the operation of the school. In the event a short-term suspension is imposed forthwith without first having a hearing, notice of the suspension shall be given to the student and the student's parent or guardian within 24 hours after the suspension has been imposed and an opportunity for an informal hearing shall be afforded to the student as soon thereafter as practicable, but no later than 72 hours after the imposition of said short-term suspension.

II. **PRESCRIPTION/OVER-THE-COUNTER DRUGS**

The possession of prescription drugs, over-the-counter medication, inhalers (except as provided for under **Policy JGFGB- Supervision of Medications**) or other products which can be harmful if used improperly by someone other than the person intended, is prohibited. In cases where it is necessary for the student to take prescription/over-the-counter medication during the school day, the medication in accordance with **Policy JGFGB- Supervision of Medications**, must be stored in the nurse's office for administration of dosage as prescribed by a doctor, unless covered by the district's self-medication policy.

A. USE AND/OR POSSESSION

1. **First Offense**

Step 1: When there is a reasonable suspicion that a student is in possession of prescription drugs, over-the-counter medication, inhalers, or other products in violation of this policy, or is impaired or under the influence of such substances, the administrator or designee should keep the student

under direct supervision by an appropriate person and conduct an investigation into the matter as soon as practicable.

Step 2: If the administrator or designee determines that the student is impaired by or under the influence of any prescription drugs, over-the-counter medication, inhalers, or other products, to an extent that it is not authorized by the student's prescription for such medicine, if any, in violation of this policy, and if there is any concern about the need for emergency ~~help~~ medical care, the appropriate assistance should be sought. The district should not transport the student.

Step 3: The administrator or designee, with a witness, will place any substances in the possession of the student, which include prescription drugs, over-the-counter medications and/or inhalers not authorized to be in the student's care by the student's own prescription and/or the district's self-medication policy, in a clean, sealed container and will store it in a secure place.

Step 4: The administrator shall provide an informal student due process hearing for short-term suspension to be conducted in accordance with the district policy and if, upon the conclusion of the hearing, the administrator finds that said offense has been committed, the student will immediately be suspended for a period of up to ten (10) days.

Step5: The administrator or designee will call a parent or guardian informing them if the nature of the problem which requires the removal of

the student from the school setting. Notification of local law enforcement may also be warranted.

2. Subsequent Offenses

Steps 1, 2 and 3 shall be followed as in IA.1.

Step 4: The administrator shall provide notice of and schedule an informal student due process hearing for short-term suspension to be conducted in accordance with the district policy and Kansas Statutes and if, upon the conclusion of the hearing, the hearing officer finds that said offense has been committed, the student will immediately be suspended for a period of ten (10) days, with a recommendation that the student be given an extended-term suspension /expulsion and in the event of such recommendation of an extended-term suspension/expulsion then a hearing shall be conducted in accordance with district policy and Kansas Statutes.

Step 5: The administrator or designee will call a parent or guardian informing them of the nature of the problem-.

3. Immediate Suspension

Notwithstanding the foregoing, a short-term suspension of up to ten (10) days may be imposed forthwith in accordance with district policy and Kansas Statutes.

B. DISTRIBUTION

The distribution of prescription/over-the-counter medications is prohibited. “Distribution of prescription/over-the-counter medications” is defined as selling or giving

prescription/over-the-counter medications to anyone other than the person for whom the prescription is written.

1. First Offense

Step 1: When there is reasonable suspicion that a student is or has been engaged in the distribution of prescription/over-the-counter medications, the administrator shall keep the student under the direct observation by an appropriate person, shall investigate the matter as soon as practicable and may notify local law enforcement.

Step 2: If the student or has been engaged in the distribution of prescription/over-the-counter medications, the administrator or designee, with a witness, will place any suspected substance(s) in a clean, sealed container and store it in a secure place. The substance(s) will then be turned over to local law enforcement as soon as possible.

Step 3. The administrator shall provide an informal student due process hearing for the short-term suspension to be conducted in accordance with the district policy and Kansas Statutes and if, upon the conclusion of the hearing, the administrator finds that said offense has been committed, the student will immediately be suspended for a period of up to ten (10) days with a recommendation that the student be given an extended-term suspension/expulsion for 186 school days and in the event of such recommendation of an extended-term suspension/expulsion for 186 school days then a hearing shall be conducted in accordance with district policy and Kansas Statutes.

Step 4. The administrator or designee will call a parent or guardian informing them of the nature of the problem.

2. Subsequent Offenses

Steps 1 and 2 from the First Offense above will be followed.

Step 3: The administrator shall provide notice of and schedule an informal student due process hearing for short-term suspension to be conducted in accordance with the district policy and if, upon the conclusion of the hearing, the administrator finds that said offense has been committed, the student will immediately be suspended for a period of ten (10) days with a one (1) calendar year expulsion recommended.

Step 4: The administrator or designee will call a parent or guardian informing them of the nature of the problem which requires the removal of the student from the school setting.

3. Immediate Suspension.

Notwithstanding the foregoing, a short-term suspension of up to ten (10) days may be imposed forthwith in accordance with district policy and Kansas Statutes.

III. ALCOHOL AND ILLEGAL DRUGS

A. USE

The use, being under the influence or impaired by, and/or possession of alcohol, illegal drugs or illegal drug paraphernalia is prohibited.

1. First Offense

Step 1: When there is a reasonable suspicion that a student has used, is impaired by or under the influence of, or is in possession of illegal drugs,

alcohol or illegal drug paraphernalia in violation of this policy, the administrator or designee should keep the student under observation by an appropriate person and shall conduct an investigation into the matter as soon as practicable.

Step 2: If the administrator or designee determines that the student has used or is under the influence of or impaired by, or in the possession of any illegal drugs, alcohol or illegal drug paraphernalia, and if there is any concern about the need for emergency medical care, the appropriate assistance should be sought. The district should not transport the student.

Step 3: The administrator or designee, with a witness, will place the suspected substance and/or paraphernalia in a clean, sealed container and will store it in a secure place.

Step 4: The administrator shall provide an informal student due process hearing for short-term suspension to be conducted in accordance with the district policy and if, upon the conclusion of the hearing, the administrator finds that said offense has been committed, the student will immediately be suspended for a period of ten (10) days.

Step 5: The administrator or designee will call a parent or guardian informing them of the nature of the problem. Notification of local law enforcement may also be warranted.

2. Subsequent Offenses

Step 1: When there is a reasonable suspicion that a student has used, is under the influence of or is impaired by, or is in possession of illegal

drugs, alcohol, or illegal paraphernalia in violation of this policy, the administrator or designee should keep the student under the observation by an appropriate person and conduct an investigation of the matter as soon as practicable.

Step 2: If the administrator or designee determines that the student has used, is under the influence or is impaired by, or is in possession of any illegal drugs, alcohol or illegal paraphernalia, and if there is any concern about the need for emergency medical care, the appropriate assistance should be sought. The district should not transport the student.

Step 3: The administrator or designee, with a witness, will place the suspected substance(s) and/or paraphernalia in a clean, sealed container and will store it in a secure place.

Step 4: The administrator shall provide an informal student due process hearing for short-term suspension to be conducted in accordance with the district policy and Kansas Statutes and if, upon the conclusion of the hearing, the administrator finds that said offense has been committed, the student will immediately be suspended for a period of ten (10) days, with a recommendation that the student be given an extended-term suspension/expulsion ~~recommended~~. and in the event of such recommendation of an extended-term suspension/expulsion, then a hearing shall be conducted in accordance with district policy and Kansas Statutes.

Step 5: The administrator or designee will call a parent or guardian informing them of the nature of the problem. Notification of local law enforcement may also be warranted.

3. Immediate Suspension

Notwithstanding the foregoing a short-term expulsion of up to ten (10) days may be imposed forthwith in accordance with district policy and Kansas Statutes.

B. DISTRIBUTION OF DRUGS

The distribution of alcohol, illegal drugs or illegal paraphernalia is prohibited. “Distribution of drugs” is defined as: a) being in possession of illegal drugs, alcohol, or paraphernalia in quantities larger than can reasonably be expected for the individual use only; b) selling or giving illegal drugs, alcohol, harmful substances, or paraphernalia or other products; c) selling or giving any substance if the distributor purports that substance to be an illegal drug.

1. First Offense

Step 1: When there is reasonable suspicion that a student is or has been engaged in the distribution of drugs, the administrator shall keep the student under the observation by an appropriate person, shall conduct an investigation into the matter as soon as practicable and may notify local law enforcement.

Step 2: If the student is or has been engaged in the distribution of drugs, the administrator or designee, with a witness, will place the suspected substance(s) and/or paraphernalia, and/or other product(s) in a clean, sealed container and store it in a secure place. The substance(s), paraphernalia,

and/or product(s) will be turned over to local law enforcement as soon as possible.

Step 3: The administrator shall provide an informal student due process hearing for short-term suspension to be conducted in accordance with the district policy and Kansas Statutes and if, upon the conclusion of the hearing, the administrator finds that said offense has been committed, the student will immediately be suspended for a period of ten (10) days with a recommendation that the student be given an extended-term suspension/expulsion and in the event of such recommendation of an extended-term suspension/expulsion, then a hearing shall be conducted in accordance with district policy and Kansas Statutes.

Step 4: The administrator or designee will call a parent or guardian informing them of the nature of the problem.

2. Subsequent Offenses

Steps 1 through 2. as outlined under II.2.B.1.

Step 3: The administrator shall provide an informal student due process hearing for short-term suspension to be conducted in accordance with the district policy and Kansas Statutes and if, upon the conclusion of the hearing, the administrator finds that said offense has been committed, the student will immediately be suspended for a period of ten (10) days with a recommendation that the student be given an extended-term suspension/expulsion for 186 school days, then a hearing shall be conducted in accordance with district policy and Kansas Statutes.

Step 4: The administrator or designee will call a parent or guardian informing them of the nature of the.

3. Immediate Suspension.

Notwithstanding the foregoing,

a short-term expulsion of up to ten (10) days may be imposed forthwith in accordance with district policy and Kansas Statutes.

III. Whenever a student under JCDAD is to be suspended for ten (10) days or less, given a long-term suspension or expelled, the district shall follow all procedures and afford the student such rights as contained in board policies and Kansas Statutes K.S.A. 72-8901, et seq. pertaining to extended-term suspension or expulsion of students from school; PROVIDED FURTHER, such student shall also be afforded due process rights under *Individuals with Disabilities in Education Act* and Section 504 of the *Rehabilitation Act of 1992*, as amended, if applicable.

Nothing in this policy is intended to diminish the ability of the district to take other disciplinary action against the student in accordance with other policies of the district governing student discipline or activities.

Approved: October 10, 2005

Amended: September 21, 2015