

STUDENT PERSONNEL
Series 500

Policy Title: LAPWAI SCHOOL DISTRICT DRUG AND ALCOHOL PROGRAM POLICY & PROCEDURE Code: 503.3

Philosophy Statement

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 is included in this intent.

The Board of Trustees of Lapwai School District #341 recognizes that the threat of substance use and abuse is most menacing when it involves our young people who, because of their developmental stage, are the most vulnerable members of our society in regard to health and safety issues. In addition to education, the safety and security of the student(s), staff, and school are the district's primary concerns. Realizing that the primary responsibility for education and forming the values and decision-making abilities of children in regard to all these issues belongs to the parents and family, this school district commits itself to assist parents and families with this task. We will make every effort to involve parents/guardians in the formation, operation and implementation of our Alcohol and other Drug Policy.

Definitions

"Controlled Substance" 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.

"Drug" shall include 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. In addition, the term "school premises" shall include not only buildings, facilities, and grounds on the school campus, but shall also include school busses, school parking areas, and any facility being used for a school function.

"Reasonable suspicion" or "Reasonably suspected" means an act of judgment by an intervention trained educator, counselor or administrator which leads to a reasonable and prudent belief that a student is in violation of "use" or "under the influence" of drugs and/or controlled substances. The fact that a student has previously disclosed use of a controlled substance or drug shall not be deemed a factor in determining reasonable suspicion at later date. An intervention trained individual will not use reasonable suspicion solely for the purpose of intentional harassment of a difficult student.

Policy Statement

District policy involving drug use/abuse are based on the laws of the State of Idaho and the Nez Perce Nation. Violation of those laws can subject violators to the due process of the law. Students who, while on school property or within a Drug Free School Zone, as defined in Idaho Code 37-2739B, or while attending a school-sponsored activity, possess, distribute, sell, use or give evidence of having consumed alcohol, tobacco products, or drugs not taken at the direction of a physician, or other controlled or dangerous substances, or who are in possession of alcohol, tobacco products, or controlled or dangerous substances, or paraphernalia, shall be subject to intervention, discipline, suspension, expulsion and/or other appropriate alternatives to include legal action.

Additionally, the Board of Trustees recognizes its responsibility to: 1) establish discipline policies and procedures in relation to student alcohol, tobacco, and drug use; 2) provide continual staff training; 3) support other alternatives for helping students and their families which exist within the community; and 4) sponsor community education/awareness activities related to alcohol and other drug education.

◆ DISCIPLINARY POLICY/PROCEDURES

Once a student is reasonably suspected of being in violation of the law and this policy, regardless of any previous voluntary disclosure, the building principal or representative shall immediately notify the local law enforcement agency or school resource officer and shall seek a law enforcement evaluation of the student. The evaluation may seek transfer of school custodial responsibility to the state department of juvenile corrections or Nez Perce Tribal Police.

The Policy Statements to support enforcement are as follows:

1. Students who possess, use, buy, sell, or give away drugs, including alcoholic beverages, tobacco, illegal drugs, and or controlled substances at any time during the school day, or while participating in school activities whether at home or away, will be suspended by the principal or representative. Suspensions will be 5 days for first offense, 10 days second offense and recommendation for expulsion upon third offense**. If it is determined that the presence of said student is a detriment to the safety of the student body, the administrator has the option of suspending out of school and/or referring the student to the Board of Trustees for expulsion
2. Determinations as to whether a student is actually in violation of the above policy statement will be determined by a law enforcement official as defined in IC33-210 through a law enforcement evaluation.
3. 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 drug paraphernalia or drugs, including alcohol, tobacco, or controlled or mood altering substances.

4. Lockers and desks are school property and remain at all times under the responsibility for the security of their lockers and desks. Periodic general inspection of lockers and desks may be conducted by authorized school officials for any reason at any time without notice, without consent and without a search warrant.
5. Students are permitted to park on school premises as a matter of privilege, not right. The school retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles on school property. The interiors of vehicles on school property 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, without consent, and without a search warrant.
6. If the student is involved with extra-curricular activities, he/she and parents or guardian will sign a contract of participation that includes drug testing as specified in district drug testing policy (drug testing at High School Level only). If the student is found in violation of this alcohol/drug policy, they will be fully suspended from participation of any type (to include practice) in these activities. This will include producing a drug test result showing no substance in the test other than those legally prescribed by a physician. The student will serve a mandatory 10 day suspension from all extra-curricular activities. This 10 days will be calculated from close of business on day in incident (or date of lab notification of positive results) to close of business 10 days later. The reinstatement of the student to extra-curricular activities is the final responsibility of the administration pending review of behavioral contract compliance. A Second Offense of the drug/alcohol policy will be treated with zero tolerance, extra-curricular activities will be suspended for remainder of current activity season plus next full season of eligibility. If in last semester of year, privileges will be suspended for 1st activity season of following year. A third or subsequent offense of this policy while at Lapwai School District will result in a suspension from current activity and one-year suspension of all extra-curricular activities.
7. Distribution of Controlled Substances: If it is determined that the presence of said student is a detriment to the safety of the student body, there shall be a mandatory recommendation made by the school administrator to the Superintendent and the Board of Trustees for expulsion.
8. Non-Students: Law enforcement official(s) will be notified of non-students on school property using, possessing, or distributing controlled substances.

PROCEDURES FOR DISCIPLINARY ACTIONS:

1. When a school staff member has a concern that the student is impaired or his/her behavior is impairing classmates ability to learn, or that the student is in violation of school alcohol/drug policy, he/she will notify the building administrator.
2. When notified by staff member of possible impairment of student or violation of policy, building administrator or intervention trained staff member will make a determination as to: 1) reasonable suspicion of substance use or violation of this policy, 2) rule out whether there is reasonable suspicion of substance use and other administrative action should be taken.

3. If a reasonable suspicion is determined, parents and law enforcement will be called in.
4. Law enforcement will make a law enforcement evaluation to determine if student is in violation of the law. If so, then legal action will be taken and custody of the student will be transferred to law enforcement.
5. Building administrator will immediately suspend the student as per policy.**
6. Building administrator will discuss School Alcohol and Drug Program options with the parents/guardians and student as an alternative to full suspension. If parents/guardians and student choose to fully participate in School Program, then a minimum 3 day suspension will be served. School Program Contracts and forms will be signed as commitment to participation.
7. If the parents/guardians refuse to participate in School Alcohol and Drug Program then the following minimums must be accomplished prior to readmission to school:
 10. drug/alcohol evaluation by licensed counselor
 11. compliance with recommendations of counselor
 12. total compliance with Lapwai School District Policy

Signature and compliance of parents/guardians and student with Lapwai School District Disciplinary contract.

- e) Parents/guardians and student will sign the appropriate releases to allow communication with outside agencies/counselors to insure compliance.

**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 shall follow federal guidelines as well as the provisions of this policy.

Date of Adoption: 6/22/09

Revised: 2/21/13

Readopted: July 2009

Legal References: Id Code Sections
33-205, 20-516, 33-210, 37-2705 &
37-2732c.

Related References:

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

TOBACCO ADDENDUM

It is the intent of Lapwai School District to address the problem of tobacco use within the school district as a separate and distinct drug problem. Therefore, we have implemented the following consequences for tobacco violations until further notice:

First Offense: First offense violation of the alcohol and drug policy for cigarettes or spit tobacco, will be the following:

1. Referral to administration to enter the drug suspension process
2. Suspension for this offense is two days, out of school
- 3) Mandatory attendance and completion Tobacco Cessation class

Second Offense: Second offense violation will be the following:

1. Referral to administration to enter the drug suspension process
2. Suspension for this offense is five days, out of school

Third Offense: Third offense violation will be the following:

1. Referral to administration to enter the drug suspension process
2. Suspension for this offense is 10 days

Additional Offenses: Additional offense violations will be the following:

- 1) Recommendation to the board for expulsion of the student