ALCOHOL AND OTHER DRUG USE BY STUDENTS

The possession, distribution, use or selling of alcohol, controlled substances or other drugs or controlled substance look-alikes, being under the influence of alcohol, controlled substances or other drugs, the possession of drug-related paraphernalia or the distribution or sale of prescription drugs on school premises, on school-sponsored transportation or at school-sponsored activities is prohibited.

A student may be required to submit to a breath test to determine the presence of alcohol if a school official or law enforcement officer has reasonable suspicion that the student is under the influence of alcohol in violation of this policy. Such test shall be administered by a law enforcement officer and shall meet state law requirements. A student may be disciplined for refusing to submit to such test.

While students violating this policy shall be subject to school disciplinary action, including suspension and expulsion from school, the district shall also provide support in the form of information dissemination, guidance and referral for treatment for students who show indications of a behavioral/medical problem associated with alcohol and other drug abuse.

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LEGAL REF.: Wisconsin Statutes: 118.127 118.257 118.45
120.13 120.44(2) 125.02(8)m)
125.09(2) Chapter 961
Individuals with Disabilities Education Act Amendments of 1997

CROSS REF.: JFCH-R(1), Procedures for Dealing with Violations of the Board's Alcohol and Other Drug Use by Students Policy
JFCH-R(2), Student Violation of Use/Possession/Distribution of Drugs/Alcohol
JFCH-R(3), Procedures for Dealing with Students Suspected and/or Found with Drug Use/Possession
JHJ, Student Alcohol, Tobacco and Other Drug Abuse Program
JHJ-R (2), Explanation of Terms Relating to Alcohol, Tobacco and Other Drug Use

REVIEW DATE: June 24, 2013

PROCEDURES FOR DEALING WITH VIOLATIONS OF THE BOARD'S ALCOHOL AND OTHER DRUG USE BY STUDENTS POLICY

Students have a right to attend school in an environment that is free from the use of alcohol and non-medical use of controlled substances. These substances interfere with the learning environment of students and the performance of students and employees.

The following actions are prohibited by students in or on school property, in any District-owned or contracted vehicle or at school-sponsored activities:

1. The use, possession, dispensing, distribution, manufacture, transfer, sale or possession with intent to sell controlled substances, alcohol or drug paraphernalia (as defined by local, state, and federal statutes).
2. Being under the influence of alcohol or controlled substances.
3. The possession, distribution or sale of look-alike or counterfeit drugs and/or controlled substances, designer drugs (e.g., performance enhancing) or look-alike alcohol.
4. The distribution or sale of prescription or over-the-counter drugs.
5. The use, possession, distribution, transfer or being under the influence of inhalants.

Parents/guardians and students will be informed of the established standards of conduct and possible sanctions related to the use and abuse of alcohol and controlled substances. Failure to abide by this policy will result in disciplinary action up to and including suspension or expulsion from school. Such disciplinary action shall be done in accordance with state law and established procedures. Violation of this policy may also result in referral to law enforcement officials for prosecution under specific local, state, or federal laws.

In order to administer this policy effectively, the school district authorizes the use of alcohol breath testing of students under the following conditions:

1. There is reasonable suspicion that a student is under the influence of alcohol in violation of this policy;
2. School district officials or law enforcement officers authorized to administer breath tests use a breath screening device approved by the Department of Transportation; and
3. Persons authorized to administer breath tests receive training on how to use the breath-screening device and evaluate the test results.

The District shall inform students, parents/guardians and staff of procedures that exist to deal with the problems associated directly or indirectly with controlled substance and alcohol use and abuse. The District will participate in programs, including student assistance programs, which focus on prevention of drug and alcohol use and abuse and provide intervention and support for those students affected, directly or indirectly, by controlled substance or alcohol problems. K9 searches may be used as a prevention or intervention tactic to discourage the use of controlled substances by students. These programs should be part of a network of community services and be provided through both school and community efforts.

2/28/05

STUDENT VIOLATION OF USE / POSSESSION / DISTRIBUTION OF DRUGS / ALCOHOL

The administration will take the following steps when the Board's student alcohol and other drug abuse policy is violated. All cases will be handled on an individual basis using any or all of the following alternatives:

A. Violations

1. Suspected of using or suspected of being under the influence of intoxicants, including alcohol, drugs, or inhalants.

    a. Contact parent or guardian
    b. Possible suspension (1-5 Days)
    c. Contact Student Assistance Program Coordinator
    d. Contact police if the alleged conduct is reasonably understood as likely to constitute a violation of law
    e. May recommend parent or guardian seek student drug screen or, in the case of alcohol, may require student to submit to a breath test to determine the presence of alcohol.
    f. If appropriate, develop and implement a pre-expulsion behavioral contract. The student and parent(s) [if student is a minor], must sign to indicate their agreement to abide by all provisions contained in the contract. If these provisions are not followed, the administration will proceed to A.1.g.
    g. May refer to the Superintendent for a decision on whether to refer to the School Board for an expulsion hearing. In making a decision as to whether to refer to the School Board for an expulsion hearing, the Superintendent may consider all relevant factors including without limitation: recommendation of the building administrator or administrator(s), need for deterrence of further instances of alleged conduct, the involved student's general disciplinary record, the extent of student cooperation or candor in investigation, and whether accused student enticed or tempted to entice other students in participating in or covering up the alleged conduct.

2. Possession of drug paraphernalia

    a. Confiscate paraphernalia
    b. Contact parent or guardian
    c. Contact Student Assistance Program Coordinator
    d. Contact police if the alleged conduct is reasonably understood as likely to constitute a violation of law
    e. Suspension (3-5 days)
    f. If appropriate, develop and implement a pre-expulsion behavioral contract. The student and parent(s) [if student is a minor], must sign to indicate their agreement to abide by all provisions contained in the contract. If these provisions are not followed, the administration will proceed to A.2.g.

g. Refer to the Superintendent for a decision on whether to refer to the School Board for an expulsion hearing. In making a decision as to whether to refer to the School Board for an expulsion hearing, the Superintendent may consider all relevant factors including without limitation: recommendation of the building administrator or administrator(s), need for deterrence of further instances of alleged conduct, the involved student's general disciplinary record, the extent of student cooperation or candor in investigation, and whether accused student enticed or tempted to entice other students in participating in or covering up the alleged conduct.

3. Confirmed possession or being under the influence of intoxicants, including alcohol, drugs, look-alike drugs or inhalants, or misuse of products containing alcohol.

   a. Contact parent or guardian
   b. Suspension – 5 days
   c. Contact Student Assistance Program Coordinator
   d. Contact police if the alleged conduct is reasonably understood as likely to constitute a violation of law
   e. If appropriate, develop and implement a pre-expulsion behavioral contract. The student and parent(s) [if student is a minor], must sign to indicate their agreement to abide by all provisions contained in the contract. If these provisions are not followed, the administration will proceed to A.3.f.
   f. Refer to the Superintendent for a decision on whether to refer to the School Board for an expulsion hearing. In making a decision as to whether to refer to the School Board for an expulsion hearing, the Superintendent may consider all relevant factors including without limitation: recommendation of the building administrator or administrator(s), need for deterrence of further instances of alleged conduct, the involved student's general disciplinary record, the extent of student cooperation or candor in investigation, and whether accused student enticed or tempted to entice other students in participating in or covering up the alleged conduct.

4. Selling and/or distribution of intoxicants, including alcohol, drugs, including look-alike drugs or inhalants:

   a. Contact parent or guardian
   b. Suspension – 5 Days
   c. Contact Student Assistance Program Coordinator
   d. Contact police if the alleged conduct is reasonably understood as likely to constitute a violation of law
   e. If appropriate, develop and implement a pre-expulsion behavioral contract. The student and parent(s) [if student is a minor], must sign to indicate their agreement to abide by all provisions contained in the contract. If these provisions are not followed, the administration will proceed to A.4.f.
   f. Refer to Superintendent for a decision on whether to refer to the School Board for an expulsion hearing. In making a decision as to whether to refer to the School Board for an expulsion hearing, the Superintendent may consider all relevant factors including without limitation: recommendation of the building administrator or administrator(s), need for deterrence of further instances of alleged conduct, the involved student's general disciplinary record, the extent of student cooperation or candor in investigation, and whether accused student enticed or tempted to entice other students in participating in or covering up the alleged conduct.

5. Refusing to submit to a required breath test to determine the presence of alcohol.

    a. Contact parent or guardian
    b. Possible suspension
    c. Contact Student Assistance Program Coordinator
    d. Contact police if the alleged conduct is reasonably understood as likely to constitute a violation of law
    e. May recommend parent or guardian seek drug screen or blood test to determine presence of alcohol.
    f. If appropriate, develop and implement a pre-expulsion behavioral contract. The student and parent(s) [if student is a minor], must sign to indicate their agreement to abide by all provisions contained in the contract. If these provisions are not followed, the administration will proceed to A.5.g.
    g. Refer to Superintendent for a decision on whether to refer to the School Board for an expulsion hearing. In making a decision as to whether to refer to the School Board for an expulsion hearing, the Superintendent may consider all relevant factors including without limitation: recommendation of the building administrator or administrator(s), need for deterrence of further instances of alleged conduct, the involved student's general disciplinary record, the extent of student cooperation or candor in investigation, and whether accused student enticed or tempted to entice other students in participating in or covering up the alleged conduct.

6. Second violation of any one or a combination of any of the above (1-5) of the alcohol or other drug prohibitions outlined in Board policy will result in the following:

    a. Review the first violation of this policy including any consequences or behavioral contracts
    b. Contact parent or guardian
    c. Suspension from school – 5 Days
    d. Contact police if the alleged conduct is reasonably understood as likely to constitute a violation of law
    e. If appropriate, develop and implement a pre-expulsion behavioral contract. The student and parent(s) [if student is a minor], must sign to indicate their agreement to abide by all provisions contained in the contract. If these provisions are not followed, the administration will proceed to A.6.f.
    f. Refer to the Superintendent for a decision on whether to refer to the School Board for an expulsion hearing. In making a decision as to whether to refer to the School Board for an expulsion hearing, the Superintendent may consider all relevant factors including without limitation: recommendation of the building administrator or administrator(s), need for deterrence of further instances of alleged conduct, the involved student's general disciplinary record, the extent of student cooperation or candor in investigation, and whether accused student enticed or tempted to entice other students in participating in or covering up the alleged conduct.

7. A third violation of the Board's student alcohol or other drug abuse policy will result in immediate referral to the Superintendent for a referral to the School Board for expulsion.

B. Medical Emergency Related to the Use of Alcohol, Controlled Substances or Other Drugs

1. Any staff member discovering such an emergency shall:

   a. Carry out necessary emergency procedures, first aid, etc., to protect the health and safety of the student.
   b. As soon as possible notify the building administrator.
   c. Remain with the student until professional help arrives or until relieved by the building administrator.
   d. Complete appropriate documentation.

2. The building administrator shall:

   a. Ensure that emergency services have been provided and, as soon as possible, contact the student's parents(s)/guardian(s).
   b. Arrange for a parent/guardian conference to be held as soon as possible.
   c. Determine appropriate disciplinary action.

2/28/05

PROCEDURES FOR DEALING WITH STUDENTS SUSPECTED AND / OR FOUND WITH DRUG USE / POSSESSION

A. Definitions

1. Intoxicants

   All fermented malt beverages (including beer and malt liquor), alcohol and intoxicating liquors as defined by state law.

2. Inhalants

   Chemicals that give off fumes or vapors that cause intoxication such as, but not limited to, solvents, gasoline, paint thinner, glue or white out, aerosols or amyl and butyl nitrate and nitrous oxide (laughing gas).

3. Drugs

   All controlled substances, unlawfully obtained prescription drugs, and narcotics as defined by federal law.

4. Drug Paraphernalia

   Drug paraphernalia as defined by state law.

5. Look-alike Drugs

   Look-alike drugs as defined by state law.

6. Alcohol Abuse Problems

   Anyone identified under the influence of intoxicants in violation of Board policy.

7. Drug Abuse Problem

   Anyone identified under the influence of drugs in violation of Board policy, whose use is not under the supervision of a licensed physician.

B. Possession or Use of Alcohol, Controlled Substances, Other Drugs or Controlled Substance Look-Alikes; Being under the influence of Alcohol, Controlled Substances or Other Drugs; or the Possession of Drug-Related Paraphernalia

1. Any staff member witnessing such behavior shall:

   a. Remain with the student and notify the building administration as soon as possible. At school-sponsored activities, the student shall be referred to the building administrator or person in charge. The building administrator shall determine the appropriate course of action within the guideline of these procedures.
   b. If practical, attempt to confiscate the substance and/or paraphernalia.
   c. Document the incident.

2. The building administrator shall:

   a. Attempt to confiscate the substance and/or paraphernalia.
   b. Arrange for parent/guardian conference to be held as soon as possible.
   c. Determine appropriate disciplinary action.

C. Distribution or Selling Alcohol, Controlled Substances, Other Drugs, Controlled Substance Look-Alikes, Prescription Drugs

1. Any staff member witnessing such behavior shall:

   a. Notify the building administrator as soon as possible.
   b. If practical, attempt to confiscate the substance.
   c. Document the incident.

2. The building administrator shall:

   a. Attempt to confiscate the substance.
   b. Call for assistance from law enforcement officers and turn over any confiscated material.
   c. Determine appropriate disciplinary action.

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