

STUDENT DRUG, ALCOHOL AND CONTROLLED SUBSTANCE OFFENSES

1.0 Introduction.

1.1 School districts are required by Colorado law to adopt policies regarding use, possession and/or sale of drugs or other controlled substances in school, on school grounds, in school vehicles, at school activities or school-sanctioned events, or while waiting to board or depart a school bus.

1.2 While this policy identifies sanctions and interventions for violations, parents who have questions or concerns about student drug or alcohol issues are encouraged to contact their school counselor or mental health provider, school administration, or the District Office of Intervention Services to discuss resources that may be available to assist them. Schools should provide opportunities for students to increase awareness regarding the consequences of controlled substance use and abuse.

1.3 Students shall not knowingly use, be under the influence of, possess, bring, sell, solicit the sale of, transfer, distribute, or supply a drug, controlled substance or drug paraphernalia as defined in this policy. A student shall also be found to have violated this policy if he or she reasonably should have known that he or she was engaging in one of these prohibited activities.

1.3.1 Violations of this policy are considered to be detrimental to the welfare and safety of the student, other students and/or school personnel.

1.3.2 Violations of this policy are considered to cause material disruptions to the school's learning environment. Violations may be counted toward declaration as a habitually disruptive student.

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2.0 Definitions.

2.1 Controlled Substance – Controlled substances include but are not limited to narcotic drugs, hallucinogenic or mind-altering drugs or substances, amphetamines, barbiturates, stimulants, depressants, marijuana, anabolic steroids, and other controlled substances as defined in state or federal law. For the purposes of this policy, the following substances are also considered controlled substances:

2.1.1 Alcohol;

2.1.2 Prescription Drug – Any prescription drug without a current, valid prescription identifying the person possessing the drug as the owner;

2.1.3 Counterfeit Drugs – Any substance that a student believes to be a controlled substance or that is represented to be such by a student, including but not limited to vitamins, supplements, or over-the-counter medications;

2.1.4 Over-the-counter medications when taken in a dangerous manner or in excess of the recommended dosage;

2.1.4 Plants, mushrooms, herbs or other natural substances used for the purpose of altering the mind;

2.1.5 Inhalants or mind-altering gases;

2.1.6 Marijuana, even when legally prescribed under law.

2.2 Use – Lighting, chewing, smoking, inhaling, applying or otherwise ingesting a controlled substance.

2.3 Possession – Bringing, possessing or having in one's control a controlled substance or drug paraphernalia.

2.4 Sale – Exchanging money or any other item of value in a transaction where a controlled substance is exchanged.

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2.5 Distribution – Providing a controlled substance to others regardless of the exchange of money or item of value.

2.6 Transfer – Passing a controlled substance to others.

2.7 Solicitation – Communicating about the potential sale, purchase, transfer or distribution of a controlled substance, even if no exchange was completed.

2.8 Paraphernalia – Possessing or bringing any equipment, product or material which is used, intended to be used or designed for use in introducing a controlled substance into the body.

2.9 Under the Influence – When a student has ingested, inhaled, or applied a controlled substance or when a student's behavior, condition, speech, appearance, odor, well being or the well being of others is affected by the use of a controlled substance.

3.0 Sanctions and Interventions.

3.1 Students are subject to disciplinary action up to and including suspension and expulsion for any single controlled substance offense.

3.2 Offenses and consequences for controlled substance violations shall be cumulative for a period of three calendar years. Offenses confirmed from schools prior to enrollment in the District may apply toward the cumulative total.

3.3 Mandatory Expulsion. The sale of a controlled substance will result in suspension for 10 days and recommended expulsion, pending the outcome of a due process expulsion hearing, for the first offense. Mandatory expulsion offenses are not eligible for alternatives to suspension or expulsion.

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3.4 Recommended Expulsion. The transfer, distribution or solicitation of a controlled substance, regardless of the exchange of an item of value, will result in a suspension of 10 days out of school, and the initiation of expulsion proceedings. Alternative to expulsion options in such cases may be considered at the discretion of school and District officials.

3.5 Recommended Expulsion. Controlled substance offenses resulting in arrests or felony charges, or those during which the violating student endangered the immediate safety of others, including driving other students while under the influence of a controlled substance, will result in a suspension of 10 days out of school and the initiation of expulsion proceedings. Alternative to expulsion options in such cases may be considered at the discretion of school and District officials.

3.6 Discretionary Consequence Offenses. Controlled substance offenses other than those involving the sale, transfer or distribution or solicitation as defined in this policy will typically result in the following sanctions and intervention opportunities, except that in some situations other co-occurring offenses and / or a student's past discipline history may impact eligibility for alternative to suspension or alternative to expulsion programming opportunities.

3.6.1 1st offense – Student should be suspended out of school for five (5) days. An alternative to suspension opportunity may be offered by which the student may return after 3 days of suspension upon agreement to complete an intervention program. Should the student fail to participate in or successfully complete the intervention program, the remainder of the suspension must be served in full.

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3.6.2 2nd offense – Student should be suspended for ten (10) days out of school. An alternative to expulsion opportunity may be offered upon request by school administration and approval by District officials by which the student may return after a minimum of five (5) days of suspension, and upon agreement to complete an intervention program. Should the student fail to participate in or successfully complete the intervention program, the student will again be suspended and expulsion proceedings will be reinstated.

3.6.3 3rd offense – Student should be suspended for 10 days and expulsion proceedings should be initiated.

4.0 Due Process. Due process as described in the Student Due Process policy will be followed when discipline sanctions may result for violations of this policy, except that when a student is recognized to be under the influence of a controlled substance and school officials believe the student's judgment is impaired, due process procedures may be delayed until immediate health and safety needs are first addressed.

5.0 Notification of Parent or Guardian. Parents will be notified following an initial investigation and determination that a student is believed to have violated this policy, after any emergency health or safety needs are first addressed.

6.0 Notification of Law Enforcement. School officials are instructed to notify law enforcement regarding suspected violations of this policy and to cooperate with any investigation that may result.

7.0 Suspicion of Use or Influence.

7.1 Self admission by the student suspected of being under the influence of a controlled substance without a valid prescription constitutes sufficient evidence to proceed with disciplinary action.

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7.2 If a student is suspected of being under the influence of a controlled substance, except with a valid prescription, school and law enforcement officials are trained and have the equipment to administer field sobriety tests.

7.3 If a student is determined to be under the influence of a controlled substance, discipline sanctions shall proceed as described in this policy.

7.4 If parent(s) disagrees with the determination of school or law enforcement officials that the student is under the influence of a controlled substance, the parent may seek an assessment within 24 hours of the incident at their own expense by a provider identified by the District.

8.0 Release of Student. In the event that a parent or guardian is not available to safely take custody of a student who has been determined to be under the influence of a controlled substance, law enforcement will be consulted and may take custody of the student at their discretion.

9.0 Transfer of Records.

9.1 Records of substantiated violations of this policy, noting the date, type of offense, and resulting disciplinary action, will be maintained electronically in District records. Tracking of such records is not meant to be punitive, but is intended to prevent overlap or misuse of intervention services.

LEGAL REFERENCES:

C.R.S. 22-32-109.1
C.R.S. 12-22-303
C.R.S. 22-33-106
C.R.S. 25-1.5-106(12)(b)

CROSS REFERENCES:

Code: 5000