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CAPITAN MUNICIPAL SCHOOLS BOARD OF EDUCATION

AGENDA ITEM EXECUTIVE SUMMARY

1. Board Meeting Date: August 18, 2025
2. Item Title: V.A.4 CMS Board Policies – Drug and Alcohol Use by Students
3. Name of Presenter: J. Vance Lee, Superintendent
4. This item is for: XX Action ___ Consent Agenda ___ Discussion ___ Report/Information
5. Proposed Motion (Action Items Only): N/A, as presented.
6. Executive Summary: Please see attached.

J-3000 © JICG
TOBACCO USE BY
STUDENTS / SMOKING

The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, ~~alcoholic beverages~~, mood-altering substances and illicit drugs is prohibited in the following locations:

- School grounds.
- School buildings.
- School parking lots.
- School playing fields.
- School buses and other District vehicles.
- Transportation pick up areas.
- Off-campus school-sponsored events.

The meaning of the terms included herein shall be as provided in New Mexico Administrative Code 6.12.4.1 through 6.12.4.9. Notice of this policy shall be made a part of the student handbook and a listing of prohibited items will be included in a Tobacco, Drug and Alcohol Free School notice posted at the entrance to school buildings and athletic events.

The Superintendent may establish procedures necessary to implement this policy. Disciplinary penalties may include, but are not limited to, suspension of the student from school or a recommendation for expulsion when there is evidence of repeated and continuous violation of this policy.

All District employees are expected to cooperate in the enforcement of this policy. Student violations shall be reported to administrative personnel.

No school employee who in good faith reports any known or suspected use, possession or distribution of alcoholic beverages, mood-altering substances or illicit drugs shall be held liable for any civil damages as a result of such report or efforts to enforce this policy.

EXCEPTION: Lawful possession or use by a minor of a tobacco-cessation product approved by the United States food and drug administration shall be permitted by students following District policies for student self-administration of medications.

Adopted: date of manual adoption

LEGAL REF.: [24-16-3 NMSA](#) *et seq.*, Dee Johnson Clean Air Act
6.12.4.8 NMAC
1994 Op. Att'y Gen. No. 94-03, 1994 N.M. AG LEXIS 4.
[20 U.S.C. 6083 Pro-Children Act of 1994 \(Environmental Tobacco Smoke\).](#)
[34 C.F.R. Part 85 Drug Free Workplace Act](#)

CROSS REF.: [GBED](#) - Tobacco Use by Staff Members
[JK](#) - Student Discipline
[JKD](#) - Student Suspension/Expulsion
[JLCD](#) - Administering Medications to Students
[KF](#) - Community Use of School Facilities
[KFAA](#) - Tobacco Use on School Premises at Public Functions

J-4550 JJJ
EXTRACURRICULAR ACTIVITY
ELIGIBILITY

(Requirements)

Students involved in extracurricular programs grades seven (7) through twelve (12) are subject to all aspects of the *regular school discipline policies (JK, JKD, and JKDA)* and the drug and alcohol disciplinary referral process (JICH-R) and shall comply with all provisions of the Athletic Code.

They will set the highest possible standard in school, in their classes, at home, in the community and in the area of competition and sportsmanship so others will respect them and so that they will add something to the extra-curricular program they represent. They must understand that participation is a major commitment. If a student chooses to violate these standards, that student will be subject to extra-curricular and/or school sanctions for their behavior.

If any student is in direct violation of School Board drug policy and this extra-curricular code, a conference with parent/legal guardian will be required. In addition, a conference with a parent/guardian will be required if any of the following occur: 1) The student has used or had in their possession illegal drugs including alcohol while off campus as observed by school officials; 2) A student is charged or reported by law enforcement or authorities with use or possession of illegal drugs including alcohol; 3) A student or their parent/legal guardian self-report such use and/or possession or; 4) A student tests positive to a random drug test.

The first offense will result in suspension from regular season competition for thirty percent (30%) of consecutive contests or scheduled events. If necessary, this will carry-over into the next season. Also, additional team sanctions agreed upon with the head coaches and activities director will be developed and may include provisions to allow the student to have limited non-contest or event participation. Considerations will be given to a student who self-reports within forty-eight (48) hours of the incident seeking guidance and support. This will result in suspension from competition for twenty percent (20%) of the consecutive contests. An intervention plan, as per School Board policy, will be mandatory for continued participation in extracurricular activities. Students wishing to participate will sign a statement acknowledging the consequences of a second offense.

For Activities

~~The first (1st) offense will result in suspension from that activity and continue until sixteen (16) hours of community service are completed. Also, any additional sanctions agreed upon with the sponsor including a signed statement acknowledging the consequences of a second (2nd) offense.~~

First (1st) Offense – Referral to the District's Social Worker, twenty percent (20%) of consecutive contests or twenty percent (20%) of scheduled events for activities and additional sanctions agreed upon with the sponsor and AD/AC. Students may be assigned an accountability project.

A subsequent second (2nd) offense while in middle/high school in any extra-curricular program will result in suspension from the program for ~~forty percent (40%)~~ fifty percent (50%) of the consecutive contests or scheduled events. The intervention plan previously developed will be modified accordingly. A hearing will be held after that time to determine if the student can return to any extra-curricular activities.

A third (3rd) or subsequent offense will result in removal of the student from all extracurricular activities for a period of three hundred sixty-five (365) days. A hearing will be held after that time to determine if the student can return to any extra-curricular activities.

~~Violation of the School Board policy regarding the use of tobacco products will result in suspension from the extra-curricular program for two (2) weeks. An intervention plan will also be required.~~

A confidential log of all code violations and consequences will be maintained in the activity director/coordinator office. The activity director/coordinator will verify the successful/unsuccessful completion of the intervention plan.

If it has been determined by school officials that a student has used or has in their possession an illegal drugs, including alcohol, while on school property, or at a school sponsored event, the student's parent/guardian will be immediately notified and asked to pick up the student turned over to a parent/guardian as soon as possible, and will be referred to local authorities, and may be subject to probation, drug/alcohol cessation instruction suspension of expulsion, in addition to other civil and criminal prosecution. ~~will be suspended from the extracurricular program for forty percent of scheduled events or activities.~~ If necessary, this will carry over into the next season. one (1) calendar year (three hundred sixty-five [365] days) from the date of the offense. An intervention plan will also be developed pursuant to policy. The Student "Disciplinary Actions" as found in the Capitan Middle/High School (CMS/HS) Student/Parent Handbook will also be in effect. The head coach/sponsor will consult with the activities director, principal, and/or Superintendent relative to implementation of this paragraph.

The Capitan Middle/High School drug test procedure is as follows:

The names of all athletes participating in sports for the school year will be entered into a random selection process at the beginning of the school year. A certified drug testing agency contracted with the School District will test randomly from the pool, unannounced, any time during the school year. The results are immediate and will be reported to the activities director/coordinator.

If the drug test is positive, a parent or legal guardian will be immediately notified. If a parent or legal guardian can provide documentation of a legal prescription that explains the test results, no sanctions will be enforced. If it is determined that a student is in violation of this policy, the above sanction will be enforced.

If any student refuses to provide a sample or if there is an altercation or falsification of a sample or test result, that student will be suspended from the extra-curricular program. If the student is unable to provide a sample for any reason, the school will accept a drug test lab results taken within twenty-four (24) hours of the time when the student was asked for the initial sample.

If any student decides to participate in the extra-curricular program after the beginning of the school year, they will be tested during the next testing cycle. Their names will then be placed in the random pool for future testing.

A student or parent may request a drug test to be completed during the regular testing.

Hazing will not be tolerated in any form. Violations will result in sanctions consistent with the drug/alcohol offenses stated above.

The activities director/coordinator will be part of a core team to develop intervention plans for student athletes when needed. The intervention plan is to provide assistance. The student, parent/guardian, administrators and school services personnel will be involved.

Adopted: July 18, 2023

Revised: August 18, 2025

LEGAL REF.: [22-12A-10 NMSA](#)

6.11.2.9 NMAC

New Mexico Activities Association Handbook Sec. 6

CROSS REF.: [JJIB](#) - Interscholastic Sports

EXTRACURRICULAR ACTIVITY ELIGIBILITY Regulation

ACTIVITY CODE AGREEMENT

I VOLUNTARILY elect to represent Capitan Municipal Schools in its extra-curricular program, which includes ***all Capitan Middle/High School (CMS/HS) sports and activities***. I understand that I am held to a higher standard with this representation and that my involvement is a privilege and not a right. Therefore, this code represents the responsibility that comes with that privilege and making the correct choices. This code covers the current school year and any extension of the program during the summer (July 1-June 30). Code violations are in effect from ***grades seven through twelve (7-12)***.

I will set the ***highest possible standard*** in school, in my classes, at home, in the community, and in the area of competition and sportsmanship so others will respect me and so that I will add something positive to the extra-curricular program I represent. I understand this is a major commitment. If I violate these standards, I will be ***subject to extra-curricular and/or school sanctions*** for my behavior.

ILLEGAL DRUGS:

If I am in direct violation of School Board policy and this extra-curricular code, a conference with my parent/legal guardian will be required. In addition, a conference with a parent/legal guardian will be required if any of the following occur: ***1) I have used or had in my possession illegal drugs including alcohol while off campus as observed by school officials; 2) I am charged or reported by law enforcement or authorities with use or possession of illegal drugs including alcohol; 3) I or my parent/legal guardian self-report such use and/or possession or; 4) I test positive to a random drug test as administered through Policy JJJ and this exhibit.*** Administration will have the authority to determine what will be admissible and what will be inadmissible as evidence in specific cases. This includes, but is not limited to information from ***(Facebook, TikTok, InstaGram or other social media as well as photos, phone calls, text messages or other electronic information)***.

Any student who violates the above may be subject to warning, reprimand, probation, drug/alcohol cessation instruction, suspension, or expulsion, in addition to other civil and criminal prosecution.

FIRST (1st) OFFENSE - The first offense will result in suspension from all competitions for thirty percent (30%) of consecutive contests or thirty percent (30%) of scheduled events for activities. If necessary, this will carry-over into my next season. Also, additional team sanctions agreed upon with the head coaches and activities director/coordinator may be developed and may include provisions to allow me to practice. A student who self-reports within forty-eight (48) hours

of the incident seeking guidance and support will be suspended from competition for twenty percent (20%) of consecutive contests. An intervention plan, as per School Board policy, will be mandatory for continued participation in extracurricular activities. Should I refuse to participate in the intervention program I will receive a three hundred sixty-five (365) day suspension from extracurricular activities.

The ***CMS/HS Intervention Team*** will consist of the Activities Director/Coordinator (AD/AC), the District's social worker, the student's parent/guardian and student who collectively will develop an intervention plan.

The ***Capitan Municipal School Intervention Plan*** will consist of a minimum of ***four (4) meetings*** between the student and the District's social worker. The program will require a ***minimum of two (2) weeks for successful completion*** and may include community service projects and/or referrals for additional support services.

Participation and successful completion of the intervention program will be determined by the District's social worker.

I will sign a statement acknowledging the consequences of a second (2nd) offense.

SECOND (2nd) OFFENSE - A ***subsequent offense*** while enrolled in middle or high school and participating in any extra-curricular programs will result in my suspension from extracurricular activities for ~~forty percent (40%)~~ ***fifty percent (50%)*** and then a hearing with AD/AC, coaches, parents, student and principal will be held to determine if I have completed the following:

- Passing grades in all assigned classes.
- Completed Community Service assigned (thirty [30] hours).
- Completed "Life of an Athlete" course.
- Completed the District's intervention plan.
- No additional and/or subsequent reports of misbehavior or office referrals.
- Completed all Conduct Conditioning and is in *good standing* with sponsors.

If I choose not to complete these requirements, I will remain suspended until these requirements are completed.

Individual sports or activities may have their own rules that set higher standards and consequences. I will also be responsible for meeting those higher standards and related consequences.

THIRD (3rd) OFFENSE - A third (3rd) offense will result in my removal from all extra-curricular activities for a period of three hundred sixty-five (365) days and then a hearing will be held as outlined for a second (2nd) offense.

DISTRIBUTION of Illegal Drugs or Alcohol - If it is determined that I am distributing illegal drugs or alcohol on campus or off campus, I will be removed from all extra-curricular activities for three hundred sixty-five (365) days and then a hearing will be held as outlined for a second (2nd) offense.

TOBACCO:

- ~~• First (1st) offense - Referred to the District's Social Worker and additional sanctions agreed upon with the sponsor and AD/AC.~~
- **FIRST (1st) OFFENSE** - The first offense will result in suspension from all competitions for thirty percent (30%) of consecutive contests or thirty percent (30%) of scheduled events for activities. I will attend 4 substance misuse workshops. If necessary, this will carry-over into my next season. Also, additional team sanctions agreed upon with the head coaches and activities director/coordinator may be developed and may include provisions to allow me to practice. A student who self-reports within forty-eight (48) hours of the incident seeking guidance and support will be suspended from competition for twenty percent (20%) of consecutive contests.
- ~~• Second (2nd) offense - Referred to the District's Social Worker and suspended for **ten percent (10%) of consecutive contests or ten percent (10%) of scheduled events for activities** and additional sanctions agreed upon with the sponsor and AD/AC.~~
- **SECOND (2nd) OFFENSE** - A *subsequent offense* while enrolled in middle or high school and participating in any extra-curricular programs will result in my suspension from extracurricular activities for **fifty percent (50%)**. The student will attend 8 substance misuse workshop sessions.
- ~~• Third (3rd) and subsequent offenses - Referred to the District's Social Worker and suspended for **at least twenty percent (20%) of consecutive contests or twenty percent (20%) of scheduled events for activities** and additional sanctions agreed upon with the sponsor and AD/AC.~~
- **THIRD (3rd) OFFENSE** - A third (3rd) offense will result in my removal from all extra-curricular activities for a period of three hundred sixty-five (365) days

~~If it has been determined by school officials that I have used or had in my possession any **illegal drugs** including alcohol while on school property or at a school sponsored event, I will be referred to local authorities, my guardians will be~~

~~immediately notified and asked to pick me up as soon as possible, and I will be suspended from all extra-curricular programs for **forty percent (40%) of consecutive contests or forty percent (40%) of scheduled events for activities**. If necessary, this will carry over into my next season, **and then a hearing with AD/AC, coaches, parents, student and principal will be held**. The Student "**Disciplinary Actions**" as found in the CMS/HS Student/Parent Handbook will also be in effect.~~

DRUG TESTING:

I will be subject to the Capitan Middle/High School **drug test** policy as follows:

- The names of all students participating in any sponsored extra-curricular program during the school year will be entered into a **random selection process** at the beginning of the school year. A certified drug-testing agency will test randomly from the pool, unannounced, any time during the school year. For each unannounced testing, **ten to twenty percent (10-20%)** of the selection pool will be selected randomly. The results are immediate, **confidential** and will be reported to the activities director.
- If my drug test is positive, my parent or legal guardian will be notified. If my parents or legal guardians can provide documents to show that I have a legal prescription that explains the test result, I will not be subject to sanctions. If it is determined that I am in violation of Policy JJJ or this exhibit, the above sanctions will be enforced.
- If I **refuse to provide** a sample or there is an **alteration or falsification** of a sample or test result, I will be suspended from the extra-curricular program as if I had provided a positive test sample. (*See above*). If I am unable to provide a sample for any reason, the District will accept a drug test lab result taken within twenty-four (24) hours of the time I was asked to provide the first sample to maintain eligibility.
- If I decide to participate in the extra-curricular program after the beginning of the school year, I will be tested in the next drug testing pool and placed in the random selection pool.
- A student/parent **may request** a drug test to be completed during regular testing.

OTHER IMPORTANT ITEMS:

I will not haze or tolerate hazing in any form. **Violations** will result in sanctions consistent with the drug/alcohol offenses stated above. The school discipline policy will also be in effect.

I will be ***responsible for all equipment*** entrusted to me. Items that I do not return will be paid for at my expense before participating in the next extra-curricular season.

In athletics, if ***I quit, or am removed*** from the sport for disciplinary reasons after the first contest, then I cannot be rescheduled into another sport during the same sport season.

I will ***travel*** with the group to all extra-curricular events. ***Permission*** to leave with my parent/guardian only, after the event, may be obtained in advance from the head sponsor and/or activities director/coordinator if my parent/guardian writes and signs a release request.

If I am a ***participant in a school sponsored event***, and forsake that participation for an outside sponsored sport or activity, coaches or sponsors will enforce a ***consequence commensurate*** with the event missed.

The ***appeals process*** as per School Board policy is in effect.

If you have any questions or concerns about any of the above items, you are to contact the head coach or sponsor immediately ***before*** signing the handbook's confirmation form.

I have read and agree to random drug testing and the consequences within this document.

Student Signature:_____

Date:_____

Parent Signature:_____

Date:_____