

The Board recognizes that use of alcohol and drugs is a serious problem and that the presence of drugs in school is detrimental to the educational environment and harmful to the health, safety, and welfare of students and staff. The District wishes to help those in need of alcohol and drug intervention and at the same time to protect others that are affected by the presence of alcohol and drugs and to enforce the policies of the District relating to use, possession, or being under the influence of alcohol or controlled substances, as that term is defined in statute (I.C. § 37-2732C).

Voluntary Disclosure

The District shall strive to create an environment free from alcohol and illicit drugs. In the case of students who come forward and voluntarily disclose using and/or being under the influence of alcohol and/or drugs while on school property or at a school function, prior to the District having reasonable suspicion, the will immediately notify the student's parent/guardian, and the District will work with the parent in the establishment of a plan to assist the student in whatever means are deemed necessary and appropriate. The incident shall be reported to law enforcement.

The mere fact that a student previously disclosed use of alcohol or controlled substances, in and of itself, shall not establish reasonable suspicion at a later date.

Use of Alcohol/Drugs Not Disclosed Voluntarily

If the District has reasonable suspicion (based upon reliable information received or the personal observations of staff that a student is using or is under the influence of alcohol or a controlled substance and the student has not voluntarily disclosed such use or influence, the District may take whatever action is deemed appropriate, including but not limited to suspension, and/or expulsion. The District shall notify the student's parent/guardian as well as local law enforcement. The following shall be used as a guide in determining what procedures may be followed when this occurs, however, the specific procedure may, in large part, depend upon the circumstances in each case:

1. Upon reasonable suspicion, the student will be asked if he or she has used and/or are under the influence of alcohol and/or drugs;
2. If the student admits to the use, the student's parent/guardian will be immediately called. The student will be asked to reveal the circumstances involving the use of alcohol and/or drugs and asked if any other students were involved;
3. The student will be immediately suspended from school, and depending upon the circumstances, may be suspended for up to 20 days and/or recommended for expulsion.

1.4.If the student does not admit to the use of alcohol and/or drugs and the staff member(s) in charge, after talking to the student, still believes that the student used or was/is under the use or influence of alcohol and/or drugs, an investigation will be conducted, which may include a search of the student’s locker, car, desk, or any other school property used by the student. In addition, law enforcement will be called immediately as will be the parent/guardian. The student will be suspended from school pending an investigation. If the investigation shows that, more likely than not, the student used or was under the influence of drugs and/or alcohol, a recommendation for expulsion may be made to the Board of Trustees. The student will be entitled to full due process prior to being expelled from school.

Only persons who have a “need to know” may receive information regarding a voluntary disclosure, except when deemed reasonably necessary to protect the health and safety of others.

Resources

When a student admits to using alcohol or drugs or is reasonably suspected of doing so, the student’s parent/guardian will be notified of available opportunities for counseling for the student.

When a student is expelled for such substance use, the Board may require, as a condition of readmission, that the student undergo assessment and counseling for alcohol and/or drug use if qualified District staff are available to provide these services.

The District shall provide written annual notification of the voluntary disclosure provisions of this policy as well as counseling availability and any other pertinent information in the student handbook or other reasonable means.

The Board shall review this policy annually.

Legal References	Description
IC § 33-210	Attendance at Schools —Students Using or Under the Influence of Alcohol or Controlled Substances
IC § 33-6000	Parental Rights
IC 37-2732C	Using or Being Under the Influence - Penalties
IDAPA 08.02.03.160	Safe Environment and Discipline
Pub. L. 100-690	The Anti-Drug Abuse Act of 1988 (as amended)

Cross References

Code	Description
3330	Student Discipline
3340	Corrective Actions and Punishment
3340	Corrective Actions and Punishment

3370	Searches and Seizure
3370	Searches and Seizure
3518	Treatment of Opioid Overdoses

Philosophy

The Minidoka County Joint School District # 331 is a drug, alcohol, and tobacco free school district and zone. The Board of Trustees recognizes that student use of chemical substances, including alcohol, is a serious problem of utmost concern in our society. Student drug, alcohol, and tobacco use, along with the misuse of controlled substances, is detrimental to a state of well-being and undermines the aim of public education, which is to enable individuals to develop to their full potential. It is the intent of the District to help those in need of alcohol and drug intervention and at the same time to protect others that are affected by the presence of alcohol

and drugs and to enforce the policies of the District relating to use, possession, or being under the influence of alcohol or controlled substances, as that term is defined in statute (I.C. 37-2732C). It is the philosophy of the District that the District will help those who desire to help themselves.

Definitions

The District's intent is to create an environment where students feel safe from the many harmful influences that are prevalent in our society. For those students that come forward and voluntarily disclose using and/or being under the influence of alcohol and/or drugs while on school property or at a school function, prior to the District having reasonable suspicion, the District will provide counseling to any such student and make recommendations for referral to appropriate agencies for screening and assessment. The parent, legal guardian, or custodian of the student will be immediately notified and the District will cooperate with and work with the parent in the establishment of a plan to assist the student in whatever means are deemed necessary and appropriate. The student's parent, guardian, or custodian will be notified of available opportunities for counseling for the student. Only persons on a "need to know" basis may receive information regarding a voluntary disclosure, except when deemed reasonably necessary to protect the health and safety of others. The incident shall be reported to law enforcement.

The mere fact that a student previously disclosed use of alcohol or controlled substances, in and of itself, shall not establish reasonable suspicion at a later date.

Policy

Students attending school in the District will not use, possess, sell, buy, or distribute drugs, including alcohol, tobacco (including smokeless or electronic cigarettes or look-alikes), controlled substances or related paraphernalia, or over-the-counter medications (except as per Policy # 370.20) on school premises.

If the District has reasonable suspicion (based upon reliable information received or the personal observations of staff) to believe that a student is using or is under the influence of alcohol or a controlled substance and the student has not voluntarily disclosed such use or influence, the District may take whatever action is deemed appropriate, including but not limited to, notifying the parent/legal guardian and notifying local law enforcement, suspension, and/or expulsion. The following shall be used as a guide in determining what procedures may be followed when this occurs, however, the specific procedure may, in large part, depend upon the circumstances in each case:

1. Upon reasonable suspicion, the student will be asked if he or she has used and/or is under the influence of alcohol and/or drugs;
2. If the student admits to the use, the student's parent/legal guardian will be immediately called;
3. The student will be asked to reveal the circumstances involving the use of alcohol and/or drugs and asked if any other students were involved;
4. Law enforcement will be called when deemed appropriate.
5. The student will be immediately suspended from school, and depending upon the circumstances, may be suspended for up to 20 days and/or recommended for expulsion.

- ~~6.—As a condition of readmission, the student and parent will agree to undergo assessment and counseling for alcohol and/or drug use. The District will provide resources for counseling services and any other services available to the student and/or the student’s parents.~~
- ~~7.—If the student does not admit to the use of alcohol and/or drugs and the staff member(s) in charge, after talking to the student, still believes that the student used or was/is under the use or influence of alcohol and/or drugs, an investigation will be conducted, which may include a search of the student’s locker, car, desk or any other school property used by the student may be subject to search. In addition, law enforcement will be called immediately as will be the parent/guardian. The student will be suspended from school pending an investigation. If the investigation shows that, more likely than not, the student used or was under the influence of drugs and/or alcohol, a recommendation for expulsion will be made to the Board of Trustees. The student will be entitled to full due process prior to being expelled from school. As a condition of readmission, the Board may require that the student undergo assessment and counseling for alcohol and/or drug use.~~
- ~~—If deemed appropriate by the administrator she or she may recommend to the DDRC Committee expulsion of a student who has violated this policy.~~

Students with disabilities

~~Suspensions and expulsions of students with disabilities as defined by Public Law 94-142 and subsequent amendments (Individuals with Disabilities Act), Section 504 of the 1973 Rehabilitation Act, and the Americans with Disabilities Act will follow federal guidelines as well as the provisions for this policy.~~

Immunity for good faith implementation

~~District employees and independent contractors of the District who implement this policy in good faith and with appropriate foundation are immune from civil liability.~~

Intentional harassment

~~District employees and independent contractors of the District are prohibited from using their authority to determine reasonable suspicion solely for the purpose of intentionally harassing a student. Using the authority in such a manner may result in disciplinary action against the employee or may be considered a breach of the District’s contract with the independent contractor.~~



- LEGAL REFERENCE:**
- ~~— Idaho Code 33-205, 20-516, 33-210, 37-2705, 37-2732C~~
 - ~~— 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~~

ADOPTED: ~~April 18, 1995~~

AMENDED/REVISED: ~~July 21, 1999; March 11, 2010; September 20, 2010;
March 19, 2012; May 16, 2022~~

CROSS REFERENCE: ~~Policy 390.00 Student Discipline; Policy 390.10
Detention; Policy 390.20 Suspension; Policy 390.30
Expulsion~~