

## POLICY 5290

### Prohibited Substances Student Discipline— Drugs/Alcohol/Tobacco

#### A. Purpose Authority

1. The Board of Education recognizes that every student should have the opportunity to learn in a school environment which is safe, conducive to the learning process, and free from unnecessary disruption. Certain prohibited substances can threaten safe school environments and alter a student's ability to properly reason and learn. The use, possession, influence, distribution, or sale of prohibited substances by students, staff, or visitors jeopardizes a safe school environment and constitutes a hazard to the welfare of students and faculty, in addition to being illegal under federal law and state law ([Utah Code 58-37-8](#) and [58-37a-3](#)). The Board recognizes the benefits of helping students avoid and overcome substance abuse and intends that the District apply restorative practices before discipline that is strictly punitive.
2. The Board prohibits the possession, use, distribution, or sale of prohibited substances – including drugs (such as marijuana/THC), alcohol, and tobacco/nicotine products – by students at any time on school property, at school-sanctioned activities, or within 1,000 feet of any public school. The Superintendent or designee shall develop and implement [administrative procedures](#) to enforce this policy, ensure student safety, and comply with applicable state and federal laws. All District personnel shall adhere to these administrative procedures, and building administrators are responsible for consistent implementation and enforcement.
- ~~3. The Box Elder School District Board of Education recognizes that the use, possession, distribution, or sale of tobacco, nicotine (including e-cigarettes, pipes, vaporizers, and other non-medically prescribed nicotine products), alcohol, narcotics, and all other controlled or dangerous drugs and drug paraphernalia constitutes a hazard to students and is illegal according to Utah State Law ([Utah Code §§ 58-37-8, 32B-4-409, 76-10-104, 76-10-104.1, 76-10-105](#)). The Board also acknowledges its responsibility to educate students and parents about the potential negative effects of the use of these items. It is the intention of the Board to take proactive steps to discourage the use of alcohol, drugs, tobacco, and nicotine to facilitate and encourage treatment for students identified as users or potential users of these substances.~~

#### B. Definitions

- ~~1. Under this policy drugs and narcotics shall be interpreted to mean any chemical considered illegal under federal, state, or local laws, all controlled substances including but not limited to: tobacco, nicotine, alcohol or intoxicants not prescribed by a physician for current personal medical treatment.~~
2. “Alcohol” refers to a product that:
  - a. Contains at least .5% of alcohol by volume; and
  - b. Is obtained by fermentation, infusion, decoction, brewing, distillation, or other process that uses liquid or combinations of liquids, whether drinkable or not, to create alcohol in an amount equal to or greater than .5% of alcohol by volume.
  - c. Alcohol includes alcoholic beverages and alcoholic products as defined in the [Utah Alcoholic Beverage Control Act, Utah Code § 32B-1-102](#).
3. “Controlled substance” refers to a drug or some other substance, or an analog of a controlled substance, that is capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system or that is identified in the Utah Controlled Substances Act, [Utah Code, 58-37-4](#) and [4.2](#).
4. “Distribution” refers to giving or lending, even temporarily, sharing, or selling a prohibited substance to another as defined in the [Utah Controlled Substances Act, Utah Code § 58-37](#) and the [Imitation Controlled Substances Act, Utah Code § 58-37b](#). Distribution encompasses the selling of a prohibited substance, but does not require an exchange of money, goods, or services. Any sharing of a prohibited substance, whether in exchange for something of value or not, constitutes distribution and is prohibited by this policy.
5. “Electronic Cigarette” refers to anything used in relation to vaping. As defined in [Utah Code § 76-9-1101](#), it means any electronic oral device that provides an aerosol or a vapor of nicotine or other substance; and which simulates smoking through the use or inhalation with the device or a component of the device.
6. “Illegal Drugs” refers to drugs that state or federal law prohibits a person from using, possessing, or distributing. As used in this policy, the term “drug” or “drugs” includes all drugs and controlled substances intended to affect the structure or function of the body, those defined in [Utah Code § 58-37-2](#), and those listed in Schedules I through V of either the federal Controlled Substances Act or the Utah Controlled Substances Act.
7. “Imitation and Other Harmful Substances” refers to any harmful substances not otherwise defined in law or this policy. These include imitation controlled substances

as defined in the [Utah Imitation Controlled Substances Act, Utah Code Section 58-37b-1 et seq.](#)

8. "Influence" refers to the state of a person affected by the application, inhalation, ingestion, injection, or consumption of a prohibited substance who is found on school or District property, including any vehicles, or at a school or District sponsored event.
9. "Intent to distribute" refers to possession of a prohibited substance in excess of what a reasonable person would consider to be personal use or a prescribed daily dosage or a stated intent (verbal or written) to distribute.
10. "Nicotine" refers to a poisonous, nitrogen-containing chemical that is made synthetically or derived from tobacco or other plants, as defined in [Utah Code § 76-9-1101](#). It includes alternative nicotine products, nicotine-laced foods and beverages, and nontherapeutic nicotine products.
11. "Over-the-Counter Drugs" refers to drugs that have a currently accepted medical use and for which a prescription is not needed.
12. "Paraphernalia" refers to objects that have been or may be used in connection with a prohibited substance. As defined in the [Utah Drug Paraphernalia Act, Utah Code § 58-37a-3](#), it includes any equipment, product, or material used or intended for use to store, contain, conceal, inject, ingest, inhale, or to otherwise introduce any prohibited substance into the body.
13. "Possession/Use" refers to the possession or use of a prohibited substance on the individual's person, in a bag or container under the control of the person, or in the person's desk, locker, vehicle, etc. As defined in [Utah Code § 58-37-2](#), the terms "possession" and "use" both mean the shared or individual ownership, control, occupancy, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption of a prohibited substance. A person may be found to have possessed or used a prohibited substance if it is found in a place or under circumstances indicating that the person had the ability and the intent to use or distribute it.
14. "Prescription Drug" refers to drugs for which a prescription is required as outlined in the federal Title 21 United States Code (USC) Controlled Substances Act. Examples include, but are not limited to, oxycodone, fentanyl, morphine, hydrocodone/codeine, cough suppressants, antibiotics, diet drugs, nonamphetamine stimulants, and long-acting barbiturates.

15. "Prohibited substances" refer to all substances that are legally restricted from school property including:
  - a. all controlled substances identified in [Utah Code § 58-37-4](#) or [58-37-4.2](#), or listed in the Federal Controlled Substances Act Title II, P.L. 91-513, with the exception of controlled substances legally prescribed for a patient by a physician or other qualified health care provider;
  - b. all tobacco products, including smokeless tobacco, and e-cigarettes or other forms of nicotine delivery;
  - c. all alcoholic beverages described to in [Utah Code § 32B-1-102](#);
  - d. all psychotoxic chemical solvents as defined in [Utah Code § 76-9-1110](#); and
  - e. all other products and substances capable of causing intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of introducing, by any method, the substance into the human body.
16. "School" refers to the facility, property, or grounds owned or operated by Box Elder School District. This includes any vehicle, regardless of ownership, on District property.
17. "Smoking" refers to the possession or use of any cigarette, pipe, cigar, e-cigarette, vaping device, or other smoking equipment, as defined in [Utah Code § 76-9-1101](#). Therefore, a person may be found to have smoked whether the person inhaled or not.
18. "Tobacco" refers to a product or substance made from a type of plant whose leaves have high levels of the chemical nicotine, including cigars, any roll of tobacco, any substance containing tobacco, cigarette, or tobacco paraphernalia as defined in [Utah Code § 76-9-1101](#).
19. "Vaping" is not defined in Utah law. As used in this policy it means the use of an electronic cigarette as defined in subsection B.3.

### C. Prohibitions

1. Possession, sale, use, distribution, or being under the influence of any prohibited substance is strictly prohibited on all District property, during school hours, on the way to and from school, when students are being transported in school or private

vehicles, and/or while attending or participating in any school supported, sponsored, or sanctioned activities consistent with this policy.

2. Sales of prohibited substances by Box Elder School District students in locations away from the school that impact or do harm to persons associated with the school will subject the student(s) involved to disciplinary action regardless of time or place of the incident.
3. Medications may only be used by individuals to whom the medication was legally prescribed. Possession of prescription medications in excess of a prescribed daily dosage or possession of over-the-counter medications of a type, and in an amount, that would alter student's psycho-social functioning as a result of taking more than the recommended dosage is prohibited. Students must follow medication procedures outlined in [Policy 5065 Administration of Medication](#). Use or possession of drug paraphernalia is also strictly prohibited.
4. ~~A student is considered to be in violation of this policy when any of the following occur:~~
  - a. ~~An educator finds the student in possession of any of the drug substances noted in this policy or drug paraphernalia as defined in this policy.~~
  - b. ~~A student is found to have used any of the drug substances listed in this Policy as the result of a testing procedure. Testing procedures may include an analysis of urine, blood, breath, or other recognized procedures administered by the school or administered by someone else and reported to the school. However, a student with a positive test result under the school's random testing of students (see section G of this policy) will not be referred to law enforcement.~~
  - c. ~~When questioned, a student admits that he/she has illegally used drugs identified in this policy. However, a student voluntarily disclosing a problem with a controlled substance prior to being approached by a school employee or school resource officer investigating the use of such substances will not be referred to law enforcement, even though other consequences listed in this Policy may be enforced.~~
  - d. ~~A parent notifies the school that his/her child has illegally used substances identified in this Policy and the school verifies this report.~~
  - e. ~~A law enforcement report identifies a student as using or being in possession of drugs or paraphernalia listed in this policy.~~

- ~~f.—Any student who distributes illegal drugs or drug paraphernalia will be considered in violation of this policy. This may include sharing of over the counter (OTC) and/or prescription medication.~~
- ~~5.—In addition to violations noted in item #2 above, the district reserves the right to take proactive measures (parent contact, referral to law enforcement, referral for drug testing, etc.) to determine if a student may be involved with illegal usage of drugs, or in violation of this Policy if any of the following occur:
  - ~~a.—The student associates with another student found to be in violation of this policy.~~
  - ~~b.—A student’s behavior is consistent with behaviors typically associated with illegal drug use.~~
  - ~~c.—A student’s name is included in a law enforcement report received by the school.~~
  - ~~d.—A building administrator reasonably determines that a student may be involved in illegal drug use.~~~~
- ~~6.—paraphernalia includes all equipment, products, and materials of any kind including the constituent parts thereof that are either designed for use or which are intended by the student for use in packaging, re-packaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body drugs or a controlled substance, except those which are possessed by the student pursuant to a prescription issued by a licensed physician for current personal medical treatment.~~
- ~~7.—Suspension is understood to mean the removal of a student from the regular school program either to a supervised location within the school or to the supervision of the parent. Suspension does not mean cessation of educational services.~~
- ~~8.—Designated educator is understood to mean a member of the school staff, appointed by the principal, who is assigned to enforce provisions of this policy.~~
- ~~9.—Substance abuse, assessment, intervention, counseling and treatment programs are understood to mean those programs licensed by the State of Utah and recognized by the Board for the assistance of people with a substance abuse problem. The Board reserves the right to, in all cases, approve or disapprove such programs for the purpose of implementing this policy.~~
- ~~10.—Drug awareness session is a meeting where the meeting agenda, or part of the meeting agenda, is a discussion on dangers and consequences of drug use among students. This discussion may be led by a district employee, school nurse, health~~

~~department employee, law enforcement officer, etc. The discussion should be appropriate for the students attending the meeting.~~

#### D. ~~Policy Statement~~

- ~~1. The Board is committed to the implementation of the K-12 drug program and requests administrators make sure that the State Drug/Alcohol/Tobacco Curriculum is taught at all appropriate levels. The Board also supports the use of special programs, assemblies, support sessions, legal and appropriate drug testing, clubs and organizations within the schools where such are feasible and effective to prevent and deter drug use by students.~~
- ~~2. The Board is committed to eliminating all drug availability at school, on school grounds and at all school activities.~~
- ~~3. The Board supports and encourages all approved programs, within the framework of the law that will lead to intervention and/or prevention.~~
- ~~4. Possession, distribution or sale of tobacco, nicotine, alcohol, narcotics, imitation drugs, and all other drugs, as defined in this Policy by anyone, is prohibited in all Box Elder School District Schools, on school grounds, at all school-sanctioned activities or when students are being transported in vehicles dispatched by the district.~~

#### E. ~~Drug/Alcohol and/or Tobacco/Nicotine Violations~~

- ~~1. Substance abuse offenses are cumulative during the student's enrollment in each of the district's secondary schools.~~
- ~~2. First Violation Drug, Alcohol, Tobacco, and Nicotine~~
  - ~~a. Automatic law enforcement referral for drug and alcohol cases. Referral for tobacco and nicotine products will be at the discretion of the administration.~~
  - ~~b. The parent of the student will be notified of the violation.~~
  - ~~c. The student shall be suspended in or out of school until such time as the parent can meet with school personnel as prescribed by each individual school intervention plan.~~
  - ~~d. Students who are participants in extracurricular activities will be suspended from such activities for a minimum of two consecutive weeks of all games, meets, matches, competitions or performances. Practice may be continued following a personal assessment of the student by a licensed substance abuse intervention~~

- ~~or treatment program and/or participation in a district approved intervention program. Any costs for such programs are the responsibility of the student and his or her parents. Students will be included in the random drug test group selected at the school four weeks after the first positive test; a positive result on this subsequent test will be considered a second offense.~~
- ~~e. Students may be invited to participate in a school level cessation program.~~
- ~~3. Second Violation Drug & Alcohol (Tobacco/Nicotine – Revert to First Violation)~~
- ~~a. Automatic law enforcement referral.~~
- ~~b. The parent of the student will be notified of the violation.~~
- ~~c. The student shall be suspended in or out of school until such time as the parent can meet with school personnel as prescribed by each individual school intervention plan. The student may return to school following a personal assessment of the student by a licensed substance abuse intervention or treatment program and/or participation in a district approved intervention program.~~
- ~~d. The student shall agree to participate in a drug testing program as determined by a school administrator.~~
- ~~e. Students who are participants in extracurricular activities will be suspended for a minimum of six weeks from all games, meets, matches, competitions or performances. Student participation in an assessment by a licensed substance abuse intervention or treatment program with prescribed follow-up is required. Practice may continue only after the assessment has been completed, positive participation in the prescribed follow-up is occurring, and the student has submitted a sample with negative test results, through the school's random testing program or by another reputable medical lab. Any costs for such programs are the responsibility of the student and his or her parents.~~
- ~~4. Third Violation Drug/Alcohol (Tobacco/Nicotine – Revert to First Violation)~~
- ~~a. Automatic law enforcement referral.~~
- ~~b. The parent of the student will be notified of the violation.~~
- ~~c. The student shall be suspended in or out of school until such time as the parent can meet with school personnel as prescribed by each individual school intervention plan. Student participation in an assessment by a licensed substance abuse intervention or treatment program with prescribed follow-up is~~

~~required. The student may return to school only after the assessment has been completed and positive participation in the prescribed follow-up is occurring.~~

- ~~d. The student shall agree to participate in a drug testing program as determined by a school administrator.~~
- ~~e. Students who are participants in extracurricular activities will be suspended a minimum of eighteen weeks from all games, meets, matches, competitions, performances and practices. Reinstatement of eligibility at the end of the eighteen-week suspension is predicated upon successful completion of a formal assessment, intervention and treatment program, and the student submitting a sample with negative test results, through the school's random testing program or by another reputable medical lab. In all of the foregoing offenses, local school and/or district requirements which deal with discipline, suspension, corrective measures, parent involvement, rehabilitation and so forth, must be met. Any costs for such programs are the responsibility of the student and his or her parents.~~

#### ~~5. Distribution (For Value or Non-Value)~~

- ~~a. Any student involved in distribution of alcohol, narcotics, drugs, and/or drug paraphernalia will be dealt with as a Third Violation. \_\_\_\_\_~~

#### F. Parent Notification

- ~~1. As per Utah Code § 53G-9-608, if an educator has reasonable cause to believe that a student has committed a prohibited act, including being involved in illegal drug use, the educator is to immediately report that to a building administrator.~~
- ~~2. Upon receiving such a report, the building administrator will meet with the student and also notify the student's parent that the report has been made.~~
  - ~~a. Reports from educators will remain anonymous.~~
  - ~~b. The meeting with the student and the notification to the parent must occur as soon as possible following receipt of the information.~~
  - ~~c. If this process finds a student to be in violation of this policy (see Section B-2 above), Section D of this policy will apply.~~

#### G. Drug Awareness Education

- ~~1. At least annually, and prior to any competition that involves students from another school district, all students participating in any activity that involves competition with~~

~~students from another school district, and their parent, must attend a school sponsored drug awareness session.~~

~~a. These sessions may be included in other "parent meetings" and may include presentations by school employees and/or other agencies.~~

## H. Drug Testing

1. See [Policy 5291 Drug & Alcohol Testing of Students Participating in Extracurricular Activities](#)

## I. Student Notice

- ~~1. Each school shall develop, update, submit for district administration approval and subsequently cause to be published a current Drug/Alcohol/Tobacco/Nicotine Policy consistent with this district policy and provide the same to each student and or parent(s) at the time of the student's enrollment into each academic year.~~
- ~~2. All school sponsored extracurricular activity groups shall develop, update, have approved by their respective school administration and incorporate into their by-laws a Drug/Alcohol/Tobacco/Nicotine Policy that is consistent with this district policy; sanctions within school or school group constitutions or policies may not exceed or be more severe than consequences specified in the district policy. Each student member of such an activity group shall be notified by being provided a written copy of the current amended by laws. The policy will be considered enforced once approved by the school administration. New members will likewise be notified in the same manner at the time they join or become a part of that activity.~~
- ~~3. The following notice will be provided to all students of the school district:~~

~~\_\_\_\_\_ YOU ARE HEREBY NOTIFIED that use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful and that it is a violation of the policy of this school district for any student to distribute, dispense, possess, use, or be under the influence of any alcoholic beverage, malt beverage or fortified wine or other intoxicating liquor or unlawfully manufacture, distribute, dispense, possess or use or be under the influence of any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, anabolic steroid or any other controlled substance as defined in Schedules I through V of Section 202 of Controlled Substances Act (21 U.S.C. § 812) and as further defined by regulation at 21 CFR, 1308.11 through 1308.115, before, during or after school hours, at school or in any other school district location as defined below.~~

~~\_\_\_\_\_ "School district location" means in any school building and on any school premises; in any school-owned vehicle or in any other school-approved vehicle used~~

~~to transport students to and from school or other school activities; off school property at any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, or during any period of time when the student is under the supervision of school-district personnel or otherwise engaged in a school-district activity.~~

~~Any student who violates the terms of the school-district's Drug and Alcohol Policy is subject to the discipline outlined in the school-district's policies including all disciplinary sanctions consistent with local, state and federal law, up to and including expulsion and referral to prosecution and/or completion of an appropriate rehabilitation program.~~

~~YOU ARE FURTHER NOTIFIED that compliance with this policy is mandatory.~~