

**POLICY #5114(b)
REQUIRED**

WINOOSKI SCHOOL DISTRICT

POLICY ON STUDENT ALCOHOL AND DRUG USE

POLICY STATEMENT: It is the policy of the Winooski School District that no student shall knowingly possess, use, sell, give or otherwise transmit, or be under the influence of any illegal drug, regulated substance, or alcohol on any school property, or at any school sponsored activity away from or within the school. It is also prohibited to be in possession of any device associated with these substances. The only exceptions to this policy are medications, authorized in writing in advance by a licensed health-care provider. Any student who is required to take medications during school hours must comply with school policies. It is further the policy of the district to make appropriate referrals in cases of substance use.

PHILOSOPHY

Consistent with state and federal laws, the Winooski District School (WSD) Board of Trustees believe:

- a) Every student has the right to a substance-free school and that it is the responsibility of the entire communities specifically: students, parents and school personnel to work together to achieve this goal.
- b) A student's use of substances is detrimental to the education of that student and is likely to be detrimental to the education of other students and to the well being of the entire school community.
- c) Substance abuse and dependency are treatable health problems and the school's responsibility is to provide preventative education for all students, intervention (identification and referral) for those students using substances, and support for those students attempting to maintain their recovery.

DEFINITIONS

- a) "Drug or substance" includes any of the following:
 - 1. Means a controlled substance identified in Schedules I, II, III, IV or V of the Controlled Substance Act, 21 U.S.C. § 812 (c); but
 - 2. Does not include such a substance that is legally possessed or used under the supervision of a licensed professional or that is legally possessed or used under any other authority under the Controlled Substances Act or under any other provision such as school medication policy, in school buildings, on school property and grounds, in school-sponsored vehicles or at school-sponsored events at other sites.
 - 3. It does mean controlled substances included, but not limited to, cannabis (marijuana); hallucinogens (LSD, Psilocybin mushrooms); stimulants (cocaine, amphetamines such as "speed" or Ritalin); depressants (barbiturates, "Quaaludes"); narcotics (opium, heroin); inhalants (nitrous oxide, medical products, or other fume-producing substances); anabolic steroids and counterfeit (look-alike) controlled substances.
 - 4. Prescription medication or over-the counter (OTC) medications, herbal or homeopathic medications for personal use shall be allowed only as per district medication policy, under the supervision of school personnel, with written orders from a physician. Federal, state and local laws shall apply to students and employees alike.
- b) Drug paraphernalia: equipment or apparatus designed for, or used for the purpose of measuring, packaging, distributing or facilitating the use of drugs.

- c) Alcohol: The term alcohol shall be construed to refer to alcohol and alcohol-containing beverages. Alcohol may also include medicinal products such as mouthwash and cold medicine, which contain alcohol. If a student is using such a product for medicinal purposes, the medicinal purpose must be reported to the school nurse and the product kept by the nurse during school hours. If the administration discovers the student in possession of such a medicinal product and the nurse has no prior knowledge of the student's medicinal need of the product, the product shall be considered "Alcohol" for the purposes of this policy.
- d) Substance Use: Means the use of any substance that alters a person's ability to perform physically, intellectually, emotionally or socially.

PROGRAM AND SERVICES:

- a) Educational Programs – the district shall provide the following educational programs:
 - 1. School Personnel – The Agency of Education recommends attending a refresher training every five to seven years for re-certification, or more often as required by position.
 - 2. Students:
 - Age appropriate Alcohol, Tobacco and other Drug (ATOD) prevention education programs for students in compliance with curriculum guidelines established by the Department of Education.
 - Student Assistance Programs (S.A.P.) offering individual and family support, screening and referral for ongoing treatment services.
 - 3. Parents – Information and resources.
- b) Self-Referral for Assistance with Substances: When a student recognizes that he/she has a problem with substance use and chooses to do something about the problem, the school will cooperate as fully as possible with the student.

A student who seeks the assistance of any staff member shall be offered educational resources, individual or group counseling and/or referral to a community agency. These services shall be provided without consequences providing all these conditions are met.

- 1. The student is self-referred, not "reported" in violation of school or legal policies.
 - 2. There is no immediate apparent threat of harm to self or others.
 - 3. A commitment is made to develop a rehabilitation plan.
- c) In-School Support and Referral System: Appropriate school personnel shall be available to consult with students whose behavior or performance may indicate a problem with substances.

In addition, all school personnel who observe academic, social or personal behavior of a student that may indicate substance use would be expected to follow their adopted school's policy, and discuss their observations and concerns with a school administrator, the student and the student's parent(s).

- d) Community Support and Referral System:

The District shall maintain a written referral agreement with a community substance abuse treatment provider. Under no circumstances shall the district be obligated for financial responsibility for assessment or treatment.

The District shall maintain a liaison with the local law enforcement agency (School SRO) for the purpose of obtaining assistance in determining appropriate and effective courses of action when incidents of substance use occur within the school environment.

Reviewed and Updated:

1st Reading: April 10, 2019

2nd Reading: May 8, 2019

Approved by Board of School Trustees: May 8, 2019

Legal Reference(s): 20 U.S.C §§ 1701 et. seq. (Safe & Drug Free Schools & Communities Act)
16 V.S.A. § 140 (Tobacco use prohibited on public school grounds)
16 V.S.A. § 1165 (Alcohol & Drug Abuse)
VT State Board of Education Manual of Rules and Practices 20 U.S.C. §§ 1400 et. seq. §§ 4200-4215 Individuals with Disabilities Act (IDEA)

Cross Reference(s): Policy #5114(a): Student Conduct and Discipline
Policy #5114(c): Weapons
Administrative Procedure WSD501: Student Possession and Use of Tobacco Products
Administrative Procedure WSD502: Search and Seizure
Administrative Procedure WSD503: Interrogation or Search of Students by Law Enforcement Personnel or Other Non-School Personnel

PROCEDURES: (also referred to as rules or regulations) are the specific directions that indicate exactly how school personnel and others will carry out the policies adopted by the School Board. Procedures will be developed by the Superintendent in consultation with staff and are attached. Procedures may change more frequently than the underlying policy and do not require adoption by the Board.

VIOLATION AND CONSEQUENCES OF THIS SUBSTANCE USE POLICY

Violation:

It shall be a violation of this policy for anyone to possess, sell, distribute or exchange; participate in a sale, distribution or exchange or attempt to sell, distribute or exchange any substance as defined above on school property (including on buses) or at any school sponsored activity, in the United States or foreign country. This also includes anything portrayed as a substance.

- a) It shall also be a violation of this policy for anyone to purchase, use, possess, be under the influence of substances as defined above or to possess paraphernalia related to substance use or to participate in any related incident on school property (including buses) or at any school sponsored activity in the United States or a foreign country.
- b) It shall also be a violation of this policy and other applicable school district policies for anyone to retaliate in any way against any person who may or has participated or cooperated in an investigation of the above violations. The district considers retaliation a very serious matter and it will be the basis of separate disciplinary action.

Note: Violations and consequences are cumulative throughout a students' career.

Consequences:

The consequences for ALL violations of the policy, except retaliation, shall be two-fold, namely disciplinary and socially rehabilitative. Within 10 days of violation an informal hearing will be held. During this time the student may be suspended from school.

- a) All disciplinary action shall afford the student and parent/guardian the opportunity for an informal hearing before an administrator. This informal hearing shall comply with the requirements of due process, namely;
 - inform the student of the charges against him/her
 - explain the evidence
 - given the student an opportunity to tell his/her side of the story
 - explain the consequences.
- b) Within 10 days of the informal hearing, a school administrator shall provide the parent/guardian with a written decision including an outline of the consequences and recommendations. However, when a student's conduct or condition is deemed to be an immediate threat to him or herself, others, property or the educational environment, the student may be immediately suspended pending a due process hearing to be held as soon as possible thereafter.

Disciplinary Action:

Sale, Distribution or Exchange of Substances Governed by this Policy and Procedures

1. All of the following will occur:
 - a) Suspension for ten school days.
 - b) Local law enforcement agencies (School SRO) will be notified.
 - c) A hearing with the Superintendent. The Superintendent will determine if the student will be recommended to the School Board for expulsion.
 - d) If recommended to the School Board for expulsion (the following procedure will be followed):
 - The School Board will convene a hearing within ten school days of the suspension period.
 - All parties shall be entitled to representation by counsel at their own expense.
 - Upon conclusion of the hearing, the Board will make its decision and the family will be notified by phone.
 - A written decision shall follow.

2. In no case shall a limited expulsion from school result in a penalty that is less severe than the one imposed for a second violation.
 - a) Referral to the Student Assistance Program (S.A.P.) counselor for an initial screening. The S.A.P. counselor will make a referral to appropriate services, if necessary. Should the student need an assessment they must show proof of an appointment within two weeks of the infraction. The school/district shall not be responsible for the cost of treatment.
 - b) Appropriate service providers and school personnel in consultation with the student and parents/guardian will develop a re-entry plan. The student must demonstrate a good-faith effort to comply with the plan or the administration, at its discretion, may refer the matter to the School Board for further disciplinary action.
 - c) Athletic eligibility affected based on school procedures.

Purchase, Use, or Possession of a Substance Governed by this Policy; Being under the Influence of It; Possession of a reasonably Related Substance-Abuse Device; Participation in a Related Incident.

1. Consequences:
 - a) Local law enforcement agencies (School SRO) will be notified
 - b) While enrolled in High School, student's violation of this policy shall be prevented from enrolling in or dropped from Driver's Education for one (1) semester
2. First Violation: All of the following will occur:
 - Suspension for up to a maximum of ten school days. The school administrator shall determine the length of suspension depending on the nature of the infraction and the student's cooperation once it is discovered.
 - Before the student may return to school, he/she must provide proof of a scheduled appointment with the SAP. The student's suspension will be continued until demonstration of the appointment is provided or ten school days is reached, whichever occurs first. If the student fails to provide demonstration of the above referenced option, the Administration, at its discretion, may refer the matter to the Superintendent for further disciplinary action.
 - Referral to the SAP for screening and referral to treatment services if appropriate. The school district shall not be responsible for cost of treatments.
 - School personnel in consultation with the service provider, student and parents/guardian will develop a re-entry plan. The student must demonstrate change to comply with the plan or the administration, at its discretion, may refer the matter to the School board for further disciplinary action.
 - Athletic eligibility affected based on school procedures.
3. Second Violation: In addition to consequences for first violation, the following will occur:
 - Suspension for ten school days.
 - Referral to the S.A.P. for screening and referral to treatment services if appropriate
 - School personnel in consultation with the student and parents/guardian will develop a re-entry plan. The student must demonstrate a good-faith effort to comply with the plan or the administration, at its discretion, may refer the matter to the School Board for further disciplinary action.
 - Athletic eligibility affected based on school procedures.
4. Third and Additional Violations:
 - The student will be suspended from school for 10 days.
 - There will be a hearing with the superintendent. The superintendent will determine if the student will be recommended to the school board for expulsion.
 - In addition to the above, the school will notify appropriate law enforcement agencies.

5. Disruptive messages promoting substances is prohibited. "Messages" refers to either pictures or words. Please refer to WSD Procedure #510 – Dress Code.

STUDENTS WITH DISABILITIES OR STUDENT SUSPECTED OF BEING DISABLED

When disciplining students who receive or are eligible for services under the Individual with Disabilities Education Act (IDEA, § 504 of the Rehabilitation Act ("§504"), or similar passages in State law, the District will comply with such laws, including but not limited to the IDEA, the 1997 Amendments to the IDEA, § 504 and applicable Vermont state statutes and regulations. If the local police department or other appropriate law enforcement agency is notified regarding a suspected violation of law and the student has a disability, the District shall forward copies of the student's special education and disciplinary records to the law enforcement agency for its consideration in responding to the matter of a reported crime or if necessary to comply with a court order or subpoena. The special education department will follow all procedural safeguards under IDEA-B.

SEARCH AND SEIZURE

Administrative procedure provides for the school to handle any substance related incident until the student has been discharged to the parent, guardian, social service, medical worker, and/or law enforcement agency (School SRO). A student may be searched, **(as per the Search and Seizure Procedure)** as their lockers are school property these too may be searched as well as their backpack, car, and other bags brought to school.

The Administration shall publish this procedure annually on the website and shall submit data with regard to substance use to the AOE as required.