

**Alcohol and Substance Abuse Policy**

**I. Philosophy and objectives**

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. It is the desire 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.

The District's desire 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 or legal guardian 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. 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 mere fact that a student previously disclosed use of alcohol or a controlled substances, in and of itself, shall not establish reasonable suspicion at a later date. 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 deemed appropriate, including but not limited to, notifying the parent or 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/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;

Law enforcement will be called when deemed appropriate.

4. The student will be immediately suspended from school, and depending upon the circumstances, may be suspended for up to twenty (20) days and/or recommended for expulsion.
5. As a condition of readmission, the student and parent will agree to undergo assessment and counseling for alcohol and/or drug use. Notification of the disclosure and the availability of counseling for students and other programs paid at the expense of the parents, legal guardians or child's custodians shall be provided to the parents, legal guardians, or child's custodian.
6. 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 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.

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.

## **II- School Activities**

School activities play an integral part of the total educational process of students enrolled in the Garden Valley School District. Because activities provide an educational opportunity, participants and coaches/advisors strive to meet the following objectives:

- Promote and contribute to the goals of the total educational program
- Promote good citizenship and respect for rules and authority
- Promote involvement and community interest in activities
- Promote good sportsmanship
- Learn the value of competitive participation
- Development of individual and team skills
- Practice good health habits
- Practice physical, intellectual, and artistic development
- Represent the school and community in a positive manner

If students choose to participate in activities, they do so voluntarily, and, therefore, there are expectations beyond those required of students who do not wish to participate in activities. These include maintaining academic eligibility, abiding by rules set forth by the coach/advisor, and

setting high standards for behavior. Moreover, commitment to activities requires that participants refrain from the use or possession of controlled substances. Participation in activities is not considered to be a right, but rather, it is a privilege.

Those students who violate the “Alcohol and Substance Abuse Policy” shall be subject to discipline that may include permanent removal from participation in school district activities. Additionally, the Garden Valley School District Board of Trustees, by adopting this policy, hopes to decrease peer pressure to use controlled substances on students participating in activities.

### **III. Definitions**

1. **Curricular Activities:** These are instructional activities that are integral to the classroom as a part of the curriculum and are a natural extension of classroom activities that result in a course grade or credit (ie field trips).
2. **Co-Curricular Activities:** Any activity for which a grade is issued will be considered a co-curricular activity. Examples of graded activities that may occur outside of the normal classroom situation include, but are not limited to: band or choir concerts, competitions, music festivals, and selected drama productions.
3. **Extra Curricular Activities:** Extra-curricular activities are defined as any activity sponsored by Garden Valley School District in which activities are not involved in a school course of study.
4. **Controlled Substances:** These include, but are not limited to; alcohol, tobacco (including smokeless tobacco), opiates, opium derivatives, stimulants, steroids, hallucinogenic substances, cocaine, cannabis, synthetic equivalents of the substances that have a depressant effect on the central nervous system, and drug paraphernalia. Excepted from this definition are any medications specifically prescribed for a student’s use by his/her own doctor.

### **IV. Seasons**

The athletic season extends from the first day of official practice to the last day of IHSAA competition for that sport. All non-athletic activities begin with the first day of school. This policy shall be applied season by season for athletics, cheerleading, and pep band, or semester by semester for non-athletic co-curricular activities.

### **V. Commission of a Controlled Substance Violation**

1. A participant shall not use, consume, possess, transmit, or sell any controlled substance.
2. A participant shall not engage in conduct detrimental to his/her group or the school at a party or other gathering where one or more minors are using controlled substances.
3. A participant, within the constraints of safety, shall not knowingly drive or remain in a vehicle where controlled substances are possessed or being used by one or more minors.

## **VI. Determination of Violations – Student’s Right to Due Process**

- A. When there is reasonable cause to believe that a student has violated this policy by committing any of the above acts, an investigation will be conducted by the athletic director or other appropriate school administrator.
- B. As a part of the investigation process, the student will receive written notice of the allegation that he/she violated the policy, and will be given an informal hearing with the investigator. Parents/guardians and the head coach/advisor are also encouraged to attend this hearing.
- C. At the hearing, the reasons for possible suspension from activities will be stated, and the student will be given an opportunity to provide evidence to refute those reasons.
- D. The investigator may determine a violation of the policy has occurred from examination of the facts, information, or evidence from any of the following sources:
  - 1. Direct observation by an adult of a student possessing, using, or distributing controlled substances;
  - 2. Self-admission by the student to a coach, activities director, or appropriate school administrator;
  - 3. Notification of school authorities by the student’s parent or guardian;
  - 4. A criminal charge involving the possession, use, or distribution of controlled substances.
  - 5. Results from random drug testing—See GVSD Policy 3321

### **E. Appeals**

- 1. A student may appeal the determination that he/she has violated this policy and/or the penalty imposed by filing a written request with the principal within ten (10) days of the date the determination is made. The request for an appeal must clearly state the reasons why the review is being requested. The review will be an informal meeting of the student, parents/guardians if desired, and a panel consisting of the principal, activities director, and head coach/advisor. The panel will issue a written decision within two (2) school days of the date of the review.
- 2. If the student’s appeal to the panel is not successful, the student has the right to appeal to the Garden Valley School District Board of Trustees by filing a written request with the Superintendent’s office within ten (10) days of the date the determination is made. The request for an appeal must clearly state the reasons why the review is being requested. The Board of Trustees will issue a written decision within five (5) school days of the date of the review. The decision of the Board of Trustees is final.
- 3. Students shall abide by all other terms of their suspension until a final determination is made regarding their appeal.

## **VII. Penalties**

### **A. First Violation**

- 1. The participant shall be suspended for a minimum of 30% of all activities and/or sport(s) season/semester from participating in any game, contest,

competition, or event. For athletics, cheerleaders, and pep band, the number of contests per season (rather than the calendar year) shall be used to determine the length of the suspension.

2. In the event that a student self-reports the violation voluntarily the suspension will be reduced to 20% of the season/semester.
3. If a police citation is given related to the use of controlled substances, the student must self-report within 72 hours of the citation, or when questioned by a school official if less than 72 hours have elapsed, for the reduction in suspension to be granted.
4. For activities with performances/contests, students must attend all practices and performances/contests while suspended (suspended from participation, not suspended from school) unless an alternative plan is requested by the student's coach/advisor. Failure to do so will result in continued suspension from activities. For all other activities, such as student council, students will not be allowed to participate while suspended.
5. Students will also be suspended from all other extracurricular activities unless they attend with their parent/guardian.
6. When the full penalty cannot be imposed, the remaining portion of the suspension will be carried over and served during the next activity participated in by the student. If a student does not participate in an extra/co curricular activity in the next season/semester the ruling panel will determine the remaining penalty.
7. If a student self-reports, that student must submit to additional testing during the suspension period.

B. Second Violation

1. The participant shall be suspended for 50% of all activities and/or sport(s) the sport season/semester from participating in any game, contest, competition, or event. For athletics, cheerleaders, and pep band, the number of contests per season (rather than the calendar year) shall be used to determine the length of the suspension.
2. In addition, for a second alcohol or drug violation, the student must participate in drug and alcohol abuse education program. The expenses of the program and any actions necessary to comply with the recommendations must be borne by the student and his/her parents. The school will provide the student with options for such programs.
3. For activities with performances/contests, students must attend all practices and performances/contests while suspended unless an alternative plan is requested by the student's coach/advisor. Failure to do so will result in continued suspension from activities. For all other activities, such as student council, students will not be allowed to participate while suspended.
4. Students will also be suspended from all other extracurricular activities unless they attend with their parent/guardian.
5. When the full penalty cannot be imposed, the remaining portion of the suspension will be carried over and served during the next activity participated in by the student. If a student does not participate in an extra/co curricular activity in the next season/semester the ruling panel will determine the remaining penalty.

C. Third Violation

1. A participant in grades 9-12 who commits a third violation shall be suspended from participation in activities for the remainder of his/her high school career.

### **VIII. Reinstatement**

1. A student who has completed an approved treatment program and provides a recommendation from that treatment program that the student has successfully completed the program and is unlikely to use controlled substances in the future may apply for reinstatement of eligibility following a third violation.
2. This application for reinstatement must be submitted in writing to the principal no less than two calendar years from the date of the suspension. The Board of Trustees will make the final determination of reinstatement.

### **IX. Review Clause**

The Alcohol and Substance Abuse Policy was approved by the Board of Trustees of the Garden Valley School District at a meeting held August 8, 2017 and is in effect for the 17-18 school year. At the end of the 17-18 school year, the policy will be reviewed by the Alcohol and Substance Abuse Committee and recommendations based upon that review will be submitted to the Board of Trustees. Any changes in the Alcohol and Substance Abuse Policy as a result of Board of Trustee action based on the review of the policy will be in place for the 2018-2019 school year. If no changes are made, this policy as written will be in effect for the 2018-19 school year and subsequent years or until such time as the Board of Trustees approves changes to the policy.

Legal Reference: I.C. § 33-210 Students using or under the influence of controlled substances

Policy History:

Adopted on: 12-13-2011

Revised on: 10-13-2014

Revised on: 09-12-2017