

## **P 2640 STUDENT USE OF TOBACCO, ALCOHOL AND DRUGS**

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### **Students Discipline**

#### **Smoking**

The Board of Education believes that smoking; the use of any tobacco products; and substances appearing to be tobacco products are detrimental to the health and well-being of staff and students. Therefore the Board prohibits the use, sale, transfer and possession of tobacco products and substances appearing to be tobacco products, i.e. e-cigarettes, at school and at school activities.

#### **Alcohol and Drug Use**

The improper use of controlled substances, alcohol and substances represented to be such is detrimental to the health and welfare of students and is detrimental to discipline in school. Such conduct, as well as the possession of drug paraphernalia, is prohibited and is subject to disciplinary action as set forth in Regulation 2610.

Pursuant to 29 U.S.C. 705(20)(c)(iv), a student with a 504/ADA disability who is currently engaging in the illegal use of alcohol or drugs is not considered a student with a disability under those laws and the District, may take disciplinary action – to the same extent that disciplinary action is taken against nondisabled students – in relation to that use or possession of alcohol or drugs. In such cases, the due process procedures contained in the Section 504 regulations will not apply to protect those students. This provision does not apply to students who are identified as disabled under the Individuals with Disabilities Education Act. However, school personnel may remove an IDEA disabled student to an interim alternative educational setting for not more than 45 school days without regard to whether that student's behavior is a manifestation of his/her disability where that student knowingly possesses or uses illegal drugs, or sells or solicits the sale of a controlled substance, while at school, on school premises, or at a school function under the District's jurisdiction. "Illegal drug," as it pertains to the discipline of IDEA students, means a controlled substance but does not include a controlled substance that is legally possessed or used under the supervision of a licensed health-care professional or under any other authority.

The determination of whether or not a student is under the influence of alcohol or a controlled substance is based upon a variety of information including but not limited to, physical appearances, speech patterns, and witnesses statements. While not required, District administrators may request a student suspected of alcohol use to submit to a Breathalyzer. Conduct that includes possession of or use of alcohol or controlled substances as well as the possession of drug paraphernalia is prohibited and is subject to disciplinary action as set forth in Regulation 2610.

**Board Approved March 8, 2018**