



## **JICH - STUDENT CONDUCT INVOLVING DRUGS AND ALCOHOL**

Poudre School District promotes a healthy environment for students by providing education, support and decision-making skills regarding alcohol, drugs and other controlled substances. To accomplish this goal, District employees will cooperate with law enforcement, social services and other agencies and organizations, parents/caregivers, and any other recognized community resources committed to reducing the incidents of unauthorized use of drugs and alcohol by students.

### **Definitions:**

For purposes of this policy, these terms have the following meanings:

- **“Analogue”** is a substance that has a stimulant, depressant, hallucinogenic or other effect on a person similar to that of a drug or controlled substance.
- **“Drugs”** are all substances defined under state or federal law as “drugs” or “controlled substances,” as well as analogues, counterfeit drugs and substances falsely represented as being drugs.
- **“Authorized drugs”** are defined as over-the-counter and prescription drugs, including vitamins and other dietary supplements, that are properly possessed and used by the person for whom they are intended or prescribed in accordance with all applicable District policies and regulations, including but not limited to District Policy JLCD–Administering Medicine to Students/Asthma, Food Allergy and Anaphylaxis Health Management.
- **“Unauthorized drugs”** are all drugs not defined as authorized drugs, including analogue substances.
- **“Distributing” “giving” or “selling” (referred to collectively as “distributing” or “distribution”)** mean a student’s involvement in the exchange of drugs for anything of value, including but not limited to money, commodities or services. There need be no use or intent to use the drugs involved in the sale.

### **Prohibitions, Education, and Enforcement**

Student possession of drug paraphernalia and possession, use, distribution, or being under the influence of alcohol, unauthorized drugs, or analogue substances are prohibited on all District property, on all District vehicles, at all District or school-sponsored activities or events, and off District property when such conduct has a reasonable connection to the school or District.

District and school employees will provide age-appropriate education to students on the detrimental impacts of alcohol and drugs and equip students with decision-making strategies and skills to minimize the use, abuse and distribution of these products.

Enforcement of this policy will be done equitably, equally, and consistently. No student will be subjected to a more severe consequence based on the student's race, color, creed, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, family composition, age or disability.

As required by Colorado law, primary caregivers are permitted to administer medical marijuana in a non-smokeable form to students on District property and at District or school-sponsored activities and events in accordance with the terms and conditions specified in District Policy JLCDB – Administering Medical Marijuana to Qualified Students on District Property. Notwithstanding any provision of this policy to the contrary, students will not be considered in violation of this policy and will not be subject to discipline for acting in compliance with District Policy JLCDB. Student possession, use, and distribution of alcohol will be addressed under District Policy JKDA/JKEA – Grounds for Suspension/Expulsion of Students.

School administrators and employees will follow the District's procedures on referrals, consultations, and cooperation with law enforcement.

### **Possession or Use of Unauthorized Drugs**

A student who is in possession of unauthorized drugs or found to use unauthorized drugs on all District property, on all District vehicles, at all District or school-sponsored activities or events, and off District property when such conduct has a reasonable connection to the school or District may be subject to discipline, up to and including expulsion.

A student's conduct will be reviewed pursuant to this policy and the factors outlined in District Policy JKD/JKE – Suspension/Expulsion of Students. Aggravating circumstances may result in a different disciplinary consequence.

Disciplinary progressions for these offenses reset when a student advances to a new school level (elementary to middle and middle to high school). For middle-high schools or K-8 schools, disciplinary progressions for these offenses reset in 6<sup>th</sup> and 9<sup>th</sup> grade.

#### **First offense**

The student will be suspended from school for five school days upon the first offense within the student's current school level. Up to four days of the suspension may be deferred if the steps below are successfully completed.

A parent/caregiver conference will be held to discuss the student's options. The school principal or designee will develop with the parent/caregiver and the student a procedure

that will outline the responsibilities of the parent/caregiver, the student, and the school to keep any further offenses from occurring. The student will be given the opportunity to participate in an appropriate drug and alcohol program, counseling, or both at the student's school. Participation and completion of the program or counseling is required to maintain deferral of the remaining suspension days.

### **Second Offense**

The student will be suspended from school for ten school days upon the second offense within the student's current school level. Up to five school days of the suspension may be deferred. A parent/caregiver conference will be held to discuss the student's options. The school principal or designee will develop with the parent/caregiver and the student a procedure that will outline the responsibilities of the parent/caregiver, the student, and the school in an effort to keep any further offenses from occurring. The student will be given the opportunity to participate in an appropriate drug and alcohol program, counseling, or both at the student's school. Participation and completion of the program or counseling is required to maintain deferral of the remaining suspension days.

### **Third Offense**

The student will be considered for expulsion upon the third offense within the student's current school level. The student will be given the opportunity to complete any of the following:

- A District supported alcohol and/or drug education intervention program. Any fee for the District supported alcohol and/or drug education intervention program will be paid by the District, excluding indirect costs like transportation; or
- A non-District supported alcohol and/or drug education intervention program selected by the student and the student's parent/caregiver. The non-District supported program must be equivalent in content and length to the District program and must be agreed to by the student, the student's parent/caregiver and the building administrator. Any fees associated with a non-District supported program will be the sole responsibility of the student and the student's parent/caregiver.

If the student elects to participate in one of these options, a written agreement will be completed with the superintendent or designee, the school principal or designee, the student, and the student's parent/caregiver. If the student is 18 years of age or older, the student may sign the agreement without their parent/caregiver. The agreement must contain a provision that the remaining school days of suspension and recommendation to expel will be reinstated for the offense if the student fails to comply with the terms of the agreement. If the student successfully complies with the terms of the agreement, their discipline record will not reflect an expulsion. The student's parent/caregiver may be asked to provide a written release to the District so that District employees can access information from the intervention/treatment program provider in order to verify the student's participation in the intervention/treatment program.

If the student and the student's parent/caregiver do not enter into a written agreement, the procedures regarding suspension/expulsion of students in District Policy JKD/JKE – Suspension/Expulsion of Students and JKD/JKE-R – Procedures Regarding Suspension/Expulsion of Students will be followed.

#### **Fourth Offense**

The student will be recommended for expulsion upon the fourth offense and all subsequent offenses within the student's current school level.

#### **Distribution of Drugs**

The District perceives distribution of drugs to be a more serious offense because the act of distributing affects more students. Therefore, a student will be considered for expulsion for distribution of any drugs on the first and any subsequent offenses.

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Revised by Board: June 12, 2012, effective July 1, 2012  
Revised by Board: May 27, 2014, effective July 1, 2014  
Revised by Board: June 14, 2016, effective July 1, 2016  
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Revised by Board: June 8, 2021, effective July 1, 2021  
Revised by Board:

#### **Cross References:**

ADC - Tobacco-Free and Marijuana-Free District  
JIH - Searches  
JKD/JKE - Suspension/Expulsion of Students  
JLCD - Administering Medicine to Students/Asthma, Food Allergy and Anaphylaxis Health Management

**Legal References:**

20 U.S.C. 7101 et seq. (Safe & Drug-Free Schools Communities Act of 1994)

Colo. Const. art. XVIII, 14 & 16

C.R.S. 18-18-102(5) & (13)

C.R.S. 18-18-201 et seq.

C.R.S. 22-1-143(1)(d)(I)

C.R.S. 22-32-109.1(2)(a)(I)(G)

C.R.S. 22-33-106(1)(d)(II)

C.R.S. 25-14-103.5