



JICH - STUDENT CONDUCT INVOLVING DRUGS AND ALCOHOL

Poudre School District ~~shall promote~~promotes a healthy environment for students by providing education, support and decision-making skills ~~in regard to~~regarding alcohol, drugs and other controlled substances. ~~In order to~~To accomplish this goal, District ~~personnel employees shall~~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~~policy, these terms have the following meanings:

- ~~"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. As used in this policy, an "analogue"~~**"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.
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- ~~"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"~~"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.
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- ~~"Unauthorized drugs"~~"Unauthorized drugs" are all drugs not defined ~~herein~~ as authorized drugs, including analogue substances.
- ~~"Marijuana" is considered a drug for the purposes of this Policy but is defined separately from the definitions of an authorized or unauthorized drug.~~
~~"Purchasing," "distributing," "exchanging,"~~
- ~~"Distributing" "giving" or "selling," refer~~"(referred to a student's collectively as "distributing" or "distribution") mean a student's involvement in the exchange of -drugs or alcohol for anything of value, including but not limited to money, commodities or services. -There need be no use or intent to use the drugs or alcohol involved in the sale.

- ~~"Parent" also includes a student's guardian or legal custodian.~~
- ~~"Suspensions" are in-school suspensions or out-of-school suspensions at the discretion of the principal.~~

Prohibitions, Education, and Enforcement

Student possession of drug paraphernalia and possession, use, ~~distribution, gift, purchase, exchange, sale, distribution, or~~ or being under the influence of alcohol, ~~or~~ unauthorized drugs, ~~or analogue substances is~~ 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 ~~school or any District curricular or non-curricular activity or event. Compliance with the standards of conduct set forth in this policy is mandatory for all students~~ the school or District.

District and school ~~staff shall~~ employees will educate ~~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 ~~shall~~ will be done equitably, equally, and consistently. No student ~~shall~~ will be subjected to a more severe consequence ~~based on the basis of~~ the student's race, color, creed, national origin, ancestry, sex, sexual orientation, gender identity, gender expression, ~~marital status~~ family composition, age or disability.

As required by Colorado law, primary caregivers are permitted to administer medical marijuana in a ~~nonsmokeable~~ 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 ~~JLCD- JLCDB- Administering Medical Marijuana to Qualified Students on District Property.~~ Notwithstanding any provision of this ~~Policy JCH policy~~ to the contrary, students ~~shall~~ will not be considered in violation of this ~~Policy JCH policy~~ and ~~shall~~ will not be subject to discipline for acting in compliance with District Policy JLCD- JLCDB. Student possession, use, and distribution of alcohol will be addressed under District Policy JKDA/JKEA – Grounds for Suspension/Expulsion of Students.

~~The principal will provide full cooperation of the administration and faculty in appropriate police investigations relative to student possession of drug paraphernalia and possession, use, distribution, gift, purchase, exchange or sale of alcohol or unauthorized drugs.~~ School administrators and ~~staff~~ employees will follow the District's procedures on referrals ~~to or~~ consultations, and cooperation with law enforcement.

CONSEQUENCES FOR VIOLATION OF THIS POLICY BY:

- ~~POSSESSION OF ALCOHOL, LESS THAN ONE GRAM OF MARIJUANA IN ITS TRADITIONAL/NATURAL FORM, UNAUTHORIZED DRUGS SOLD OVER THE COUNTER, OR DRUG PARAPHERNALIA;~~

~~• USE AND/OR BEING UNDER THE INFLUENCE OF ALCOHOL, MARIJUANA, OR UNAUTHORIZED DRUGS SOLD OVER THE COUNTER:~~

~~(Note that possession, of unauthorized drugs not sold over the counter, one or more grams of marijuana in its traditional/natural form, any amount of marijuana in its non-traditional/non-natural form (i.e., concentrates, edible, wax, etc.); use and/or being under the influence of unauthorized drugs not sold over the counter; and purchasing, distributing, exchanging, giving, or selling over the counter drugs or alcohol, may count toward the first, second or third offense under this section.)~~

FIRST OFFENSE

1. 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 6th and 9th grade.

First offense

The student will be suspended from school for five ~~(5)~~ school days upon the first offense within ~~one (1) calendar year, the student's current school level.~~ Up to four ~~(4)~~ days of ~~this~~the suspension may be deferred if the ~~below steps~~steps below are successfully completed.

a. ~~—~~A parent/caregiver conference will be held to discuss the student's options.

b. ~~—~~The school principal or designee will ~~attempt to~~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~~to keep any further offenses from occurring.

c. ~~—~~The student will be given the opportunity to participate in an appropriate drug and/~~or~~ alcohol program, counseling, or both: at the student's school. Participation and

completion of the program ~~and~~/or counseling is required to maintain deferral of the remaining suspension days.

~~SECOND OFFENSE~~

~~1. Second Offense~~

The student will be suspended from school for ten ~~(10)~~ school days ~~and will be recommended for expulsion~~ upon the second offense within ~~one (1) calendar year~~ the student's current school level. Up to ~~nine (9)~~ five school days of the suspension may be deferred. ~~If the below steps are successfully completed, the recommendation for expulsion will be waived and removed from the student's disciplinary record. 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.~~

~~2. A parent conference~~ Third Offense

~~The student will be held to discuss~~ considered for expulsion upon the third offense within the student's options.

~~3. current school level.~~ The student will be given the opportunity to complete any of the following:

- ~~a. 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

~~b. An alternative placement; or~~

- ~~c. A non-District supported alcohol and/or drug education intervention program selected by the student and the student's parent(s)/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.~~

~~4. If the student elects to participate in one of these options under Section 3, a written agreement will be completed with the Superintendent/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 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.~~ The student's parent/caregiver may be asked to provide a written release to the Superintendent or designee and/or the building principal or designee District so that individual(s) District employees can access information from the intervention/treatment program provider in order to verify the student's participation in the intervention/treatment program.

5. 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.

THIRD OFFENSE

1. Fourth Offense

The student ~~shall~~will be recommended for expulsion upon the ~~third~~fourth offense and all subsequent offenses within ~~one (1) calendar year~~the student's current school level.

CONSEQUENCES FOR VIOLATION OF THIS POLICY BY:

- ~~• POSSESSION OF UNAUTHORIZED DRUGS NOT SOLD OVER THE COUNTER OR ONE OR MORE GRAMS OF MARIJUANA IN ITS TRADITIONAL/NATURAL FORM, ANY AMOUNT OF MARIJUANA IN ITS NON-TRADITIONAL/NON-NATURAL FORM (i.e., concentrates, edible, wax, etc.);~~
- ~~• USE AND/OR BEING UNDER THE INFLUENCE OF UNAUTHORIZED DRUGS NOT SOLD OVER THE COUNTER; AND~~
- ~~• PURCHASING, DISTRIBUTING, EXCHANGING, GIVING, OR SELLING OVER-THE-COUNTER DRUGS OR ALCOHOL;~~

FIRST OFFENSE

1. ~~The student will be suspended from school for ten (10) school days and will be recommended for expulsion upon the first offense within one (1) calendar year. Up to nine (9) school days of the suspension may be deferred. If the below steps are successfully completed, the recommendation for expulsion will be waived and removed from the student's disciplinary record.~~

2. ~~A parent conference will be held to discuss the student's options.~~

3. ~~The student will be given the opportunity to complete any of the following:~~
 - a. ~~A District-supported alcohol and/or drug education intervention program;~~
~~or~~
 - b. ~~An alternative placement; or~~
 - c. ~~A non-District-supported alcohol and/or drug education intervention program selected by the student and the student's parent(s). 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 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.~~
4. ~~If the student elects to participate in one of the options under Section 3, a written agreement will be completed with the Superintendent or designee, the school principal or designee, the student, and the student's parent. 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.~~ **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~~ The student's parent may be asked to provide a written release to the Superintendent or designee and/or the building principal or designee so that individual(s) can access information from the intervention/treatment program provider in order to verify the student's participation in the intervention/treatment program.

5. ~~If the student and the student's parent do not enter into a written agreement, the procedures regarding suspension/expulsion of students in Policy JKD/JKE and JKD/JKE-R will be followed.~~

~~SECOND OFFENSE~~

1. ~~The student shall be recommended for expulsion upon the second offense and all subsequent offenses within one (1) calendar year.~~

~~CONSEQUENCE FOR VIOLATION OF THIS POLICY BY PURCHASING, DISTRIBUTING, EXCHANGING, GIVING, OR SELLING ALL DRUGS EXCEPT FOR THOSE SOLD OVER THE COUNTER:~~

~~FIRST OFFENSE~~

1. ~~The student shall be considered for expulsion for the first offense.~~

~~2. The principal may request or recommend to the superintendent or designee a different consequence, depending on the circumstances distribution of the offense.~~

~~SECOND OFFENSE~~

~~1. The student shall be recommended for expulsion for the second and all subsequent offenses within one (1) calendar year any drugs on the first and any subsequent offenses.~~

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Revised by Board: August 14, 2000

Revised by Board: June 11, 2001

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Revised by Board: June 21, 2011, effective July 1, 2011

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

Revised by Board: June 12, 2018, effective July 1, 2018

Revised by Board: June 8, 2021, effective July 1, 2021

~~LEGAL REFS~~ 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-~~32-109.1(2)(a)(I)(G)~~

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

~~C.R.S. 25-14-103.5-143(1)(d)(I)~~

~~CROSS REFS:~~

~~ADC, Tobacco-Free and Marijuana-Free District~~

~~JH, Searches~~

~~JKD/JKE, Suspension/Expulsion of Students~~

~~JLCD, Administering Medicine to Students/Asthma, Food Allergy and Anaphylaxis~~

~~Health Management 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~~