

Policy 3300: Drug, Alcohol, Tobacco, and Nicotine Innovations Free School Zone

Status: ADOPTED

Original Adopted Date: 11/09/2020 | **Last Reviewed Date:** 11/09/2020

Pursuant to Federal law, the Caldwell School District No.132 Board of Trustees hereby establishes a "Drug, Alcohol, and Tobacco Free School Zone" that extends 1000 feet from the boundary of any District or school property. All District facilities and any District approved or school related activities shall be drug, tobacco, and alcohol free. The use, possession, concealment, delivery, or distribution of any drug, controlled substance, or any drug-related paraphernalia, alcoholic beverage, tobacco, or nicotine innovations at any time on District property, within the Drug, Alcohol, and Tobacco Free School Zone, or at any District-related event, regardless of location, is prohibited.

The Board recognizes that the misuse of alcohol, drugs, tobacco, and nicotine innovations is a serious problem with legal, physical, and social implications for the entire school community. The District shall endeavor to prevent abuse of illegal or unauthorized drug, alcohol, tobacco, and nicotine innovation abuse as well as to help those in need of intervention. The Board of Trustee shall strive to protect those affected by the presence of drugs, alcohol, tobacco, or nicotine innovations and will endeavor to help those who desire to help themselves.

Guidelines

Section 1. Notice of the Policy

1.1 Annual notification of this policy and procedures will be made available for students, parents/guardians, and staff in the student handbook or by other reasonable means. Such notification shall include:

1.1.1 Voluntary disclosure provisions

1.1.2 Counseling availability

1.1.3 Any additional pertinent information

Section 2. Responsibilities of the Superintendent/Designee

2.1 Take the necessary steps to ensure that any individual eighteen (18) years of age or older who knowingly delivers or distributes controlled substances to another person within the Drug, Alcohol, Tobacco, and Nicotine Innovation Free School Zone is fully prosecuted by the law.

2.2 Prepare guidelines for the identification and regulation of drug, alcohol, tobacco, and nicotine innovation use in the schools or on District property.

Section 3. Searches and Seizure

3.1 School District authorities may conduct reasonable searches of school property and equipment, as well as of students and their personal effects and/or their automobiles parked on District property when there are reasonable grounds for suspecting that illegal or unauthorized drug, alcohol, tobacco, and nicotine innovation are present.

3.2 All contraband shall be confiscated by District personnel.

3.3 Seized items may be transferred to law enforcement authorities as evidence.

Section 4. Policy Violations

4.1 Sanctions for violation of this or any other policy which addresses illegal drug, tobacco, or alcoholic beverage possession, nicotine innovations use, or distribution may include: suspension, expulsion, referral to law enforcement agencies for prosecution, or referral to appropriate persons or agencies for screening and assessment.

4.2 Discipline shall be handled on an individual basis considering the student's current school year and disciplinary history.

Section 5. Students with Disabilities

5.1 Suspensions and expulsions of students with disabilities as defined by Public Law 94-142 and subsequent amendments, (Individuals with Disabilities education Act, Section 504 of the 1973

Rehabilitation Act, and the Americans with Disabilities Act), will follow federal guidelines as well as the provisions of this policy.

Section 6. Immunity for Good Faith Implementation

6.1 District employees and independent contractors who implement this policy in good faith and with appropriate foundation are immune from civil liability.

Section 7. Intentional Harassment

7.1 District employees and independent contractors are prohibited from using their authority to determine Reasonable Suspicion solely for the purpose of intentionally harassing a student.

7.2 Using the authority in such a manner may result in disciplinary action against the employee or may be considered a breach of the District's contract with the independent contractor.

Section 8. Board Review

8.1 The Caldwell District School Board of Trustees shall review this policy annually.

Section 9. Definitions

9.1 **Alcoholic Beverage:** Any beverage that contains alcohol.

9.2 **Contraband:** Illegal or prohibited property, the possession of which is forbidden under school policy or illegal under state or federal law. Contraband shall consist of , but is not limited to: stolen property, pornography, alcohol, tobacco, nicotine innovations, illicit drugs, and/or prescription or nonprescription drugs designed to alter the feeling or behavior of an individual, stimulants, hallucinogens or substances that appear to be any of the above.

9.3 **Controlled Substances:** including but not limited to: prescription pills. opiates, opium derivatives, hallucinogenic, depressant, or stimulant substances; including cocaine, cannabis and synthetic equivalents of the substances contained in the plant; any material, compound, mixture or preparation with substances having a depressant effect on the central nervous system.

9.4 **Course of Conduct:** involves a pattern or series of acts over time, evidencing a continuity of purpose. Course of Conduct does not include constitutionally and statutorily protected activity.

9.5 **Distribution:** To share and/or sell alcohol, tobacco products, nicotine innovations, or any controlled or dangerous substance to other students or persons.

9.6 **Drugs:** shall include any alcohol or malt beverage, any inhalant, any tobacco product, any nicotine innovation, any controlled substance, any illegal substance, any abused substance, any look-alike or counterfeit drug, any medication or inhalant not approved and registered by the school authorities, anabolic steroids, and/or any substance which is intended to alter mood, an/or any substance which is misrepresented and sold or distributed as a restricted or illegal drug.

9.7 **Drug Free Zone:** The area on or within one thousand (1,000) feet of the property of any public or private primary or secondary school, or in those portions of any building, park, stadium, or other structure or grounds, which are currently being used for an activity sponsored by the school district.

9.8 **Drug Use:** a student's involvement with drugs, including alcohol, tobacco, nicotine innovations or drug paraphernalia, any controlled, or dangerous substance on any District premises or at any District-sponsored activity, regardless of location including, but not limited to, buildings, facilities, and grounds on a District campus, District buses, District parking areas, and the location of any District-sponsored activity. in any of the following ways:

9.8.1 Securing, Using, Being Under the Influence, Possessing

9.8.2 Attempting to secure or purchase drug(s) or drug paraphernalia

9.8.3 Using, being under the influence, or the reasonable suspicion of having used drug(s)

9.8.4 Possessing drug(s) or drug paraphernalia

9.8.5 Distribution

9.8.6 Actual or attempted transfer of drugs from one (1) person to another

9.8.7 Intending or attempting to sell or distribute drugs or drug paraphernalia

9.8.8 Selling or giving away drug(s) or drug paraphernalia

9.9 Intentionally Harass: a knowing and willful Course of Conduct directed at a specific student that seriously alarms, annoys, threatens or intimidates the student and which serves no legitimate purpose. The conduct must be such that a reasonable person would be caused to suffer substantial emotional distress.

9.10 Knowingly Present: a student being in attendance at a gathering of two (2) or more individuals during which one (1) or more of the attendees (other than the student at issue) were involved in drug use and the student knew or reasonably should have known that such drug use was occurring, but did not voluntarily leave the scene when it was possible to do so.

9.11 Nicotine Innovation: a device such as electronic vapor cigarettes, e-cigarettes, or other device that is meant to satisfy the smoker's oral fixation as well as deliver nicotine to the bloodstream and/or used for the intent of inhaling/smoking illegal substances. Nicotine Innovations used with or without nicotine are illegal for minors under the age of 21.

9.12 Paraphernalia: Any object being used in the consumption, production, sale, or distribution of a controlled or illegal substance. These include but are not limited to papers, bongs, roach clips, stones, needles, nicotine innovations, and bowls.

All equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance.

9.13 Possession: To have on or near school property any time during school hours or at a District sponsored activity any of the following: drugs, tobacco, products, nicotine innovations, and/or alcohol on a student's person or within an area of the student's control, including but not limited to his/her car, locker, books, desk, and clothing.

9.13.1 Exercising **actual possession** (direct physical control over an object) or **constructive possession** knowingly having the power and intent at a given time to exercise control over an object, either directly or through another person(s); possession does not require ownership of the object.

9.14 Reasonable Suspicion: An act of judgement by a District employee or independent contractor of an educational institution that leads to a reasonable and prudent belief that a student may be using drugs, tobacco, nicotine innovations, alcohol, or controlled substances.

9.14.1 Such act of judgment is based on the employee's or independent contractor's training in recognizing the signs and symptoms of alcohol and controlled substance use; the fact that a student has previously disclosed use of a controlled substance will not be deemed a factor in determining **Reasonable Suspicion** at a later date.

9.15 School District Property: Includes but is not limited to all buildings, facilities, grounds on school campuses, property owned or leased by the District, school buses, school bus stops, school parking areas, other school vehicles and/or any vehicle used to transport students on a school sponsored activity, and any facility or location being used for a school or District sponsored activity or function.

9.16 Tobacco: (1) any cigar, cheroot, stogie, smoking tobacco including granulated, plug, cut, crimp, cut, ready rubbed and any other kinds and forms of tobacco suitable for smoking in a pipe or cigarette; (2) Cavendish, twist, plug, scrap and any other kinds and forms of tobacco suitable for chewing; (3) snuff, however prepared; and (4) any other articles or products made of tobacco or (5) any substitute, including nicotine innovations, (6) any roll for smoking, made wholly or in part of tobacco where such roll has a wrapper that is wholly or in the greater part made of tobacco.

Idaho Code § References

18-1502

Description

[Beer, Wine, or Other Alcohol Age Violations - Fines](#)

20-509

[Violent Offenses, Controlled Substances Violations Near Schools and Offenders](#)

Idaho Code § References

23-612

Description[Beer, Wine, or Other Alcoholic Beverages on Public School Grounds](#)

23-949

[Persons Not Allowed to Sell, Serve, or Dispense, Beer, Wine, or Other Alcoholic Liquor](#)

33-205

[Denial of School Attendance](#)

33-210

[Students Using or Under the Influence of Alcohol or Controlled Substances](#)

37-2732C

[Using or Being Under the Influence - Penalties](#)**USC - United States Code References**

21 USC § 860

Description[Distribution or Manufacturing in or Near Schools and Colleges](#)**IDAPA References**

08.02.03.160

Description[Safe Environment and Discipline](#)**Public Law References**

101-226

Description[The Anti-Drug Abuse Act of 1986, Title IV, Subtitle B: The Drug-Free Schools and Communities Act of 1986 \(as amended\)](#)**Cross References**

3305

Description[Prohibition of Tobacco - Nicotine Possession and Use](#)

3330

[Student Discipline](#)

3340

[Corrective Actions and Punishment](#)

3370

[Searches and Seizure](#)