

Alcohol and Other Drug Use by Students

The following regulations will be strictly observed in implementing Policy JICH.

I. Introduction

In administering Policy JICH, the following procedures set forth below will be followed. These procedures will supplement and complement authority conferred elsewhere by Board policy and will not be deemed to limit or suspend such other authority. Students shall be disciplined as appropriate in accordance with applicable Board policy.

II. Definitions

A. Prohibited Substances

1. Prohibited substances shall include, but not be limited to, cocaine, heroin, alcohol, marijuana, inhalants and counterfeit drugs.
2. Prohibited substances shall also include those defined as controlled substances in federal and state law including C.R.S. §18-18-101, et seq.

B. Within School District Jurisdiction

A student will be considered within District jurisdiction when on District property, at school-sanctioned activities, when being transported in vehicles dispatched by the District or while waiting to board or depart a school bus.

C. Drug Paraphernalia

Drug paraphernalia shall be any machine, instrument, tool or device as defined in C.R.S. §18-18-426.

D. Marijuana Accessories

Any equipment, products, or materials of any kind which are used, intended for use, or designed for use in planting, propagating, cultivating, growing, harvesting, composting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, vaporizing, or containing marijuana, or for ingesting, inhaling, or otherwise introducing marijuana into the human body, as defined in the Colorado Constitution Art. XVIII sec. 16 (1)(g).

Regulation: JICH-R

E. Counterfeit Drugs

A counterfeit drug shall be considered any substance which is represented as a prohibited substance.

F. Use of Prohibited Substances

A student shall be considered to have used prohibited substances when his/her behavior, condition, speech or appearance, while within District jurisdiction, is affected by, or evidences the prior use of prohibited substances.

G. Possession

A student shall be considered possessing a prohibited substance, marijuana accessory, or drug paraphernalia upon admission, or if the prohibited substance, marijuana accessory or drug paraphernalia is found: on one's person, on personal property, in a car or other vehicle, locker, desk or other storage area within District jurisdiction. Possession also means that a person has, holds, owns, has custody of, or has within his/her immediate presence or control, any amount of a prohibited substance, marijuana accessory, or drug paraphernalia.

H. Distributing, Dispensing, Selling, Giving or Exchanging

Any means by which a prohibited substance, or a counterfeit drug is transferred from one person to another.

III. Transfer of Records

Records of substantiated offenses involving a prohibited substance, marijuana accessory, or drug paraphernalia, noting date, type of offense, and disciplinary action taken will be maintained at the building level in a discipline file and will be forwarded to the appropriate administrator of discipline at the next level or school the student attends in the District. Keeping records is not meant to be punitive but rather an aid to school authorities tracking case histories and to provide information about situations that may need attention. Any disclosure of student information from student disciplinary records shall be in accordance with all applicable state and federal laws.

IV. Disciplinary Action

Students shall be subject to disciplinary action up to and including suspension and expulsion, for or using, possessing, distributing, dispensing, selling, giving or exchanging a prohibited substance, marijuana accessories, or drug paraphernalia. The principal or designee will contact appropriate law enforcement officials in each incident of possession or sale of prohibited substance by a student.

Regulation: JICH-R

Due process, as stipulated in School District Policy JKD-1 shall be followed in suspensions or expulsions.

If a student with disabilities who is receiving special education services is involved with any of the specified offenses, regular disciplinary action may be taken. The student's Individual Education Program (IEP) will be reviewed. In accordance with school board policy and state and federal law, if a student with disabilities is suspended from school for more than ten (10) days cumulatively or consecutively in a school year, a manifestation determination will be held.

All offenses will be subject to the provisions of the disciplinary actions listed. Such offenses may be in a single category or combination of all categories when compiling cumulative offenses.

All staff members will cooperate fully with appropriate law enforcement investigators relative to students using, possessing, distributing, dispensing, selling, giving or exchanging any prohibited substance, marijuana accessory, or drug paraphernalia.

A. Use of Prohibited Substances

The following procedures are to be followed for students using any prohibited substance (alcohol, marijuana, controlled substance or counterfeit drug):

1. If a student appears to have used a prohibited substance within District jurisdiction, the staff member will notify the building principal, school nurse, or principals' designee who will observe the student. Notification must include reasons for such suspicion (observed use, unusual behavior, etc.). The principal or designee will conduct a check of the suspected student and collect data. This action must comply with the Board policy on interrogations and searches.
2. When necessary, individual school emergency procedures will be followed.
3. If it is determined by the principal or principal's designee, that the unusual appearance or unusual, disruptive, or dangerous behavior may be due to the student's use of a prohibited substance, a parent will be contacted as soon as possible. The parent will be advised of the student's appearance and/or behavior.
4. The principal or designee will attempt to obtain evidence by directly requesting it from the student or through search procedures that are outlined in Section V of this School Board Regulation (Searches).
5. While waiting for the parent or for medical aid, the student will not be left alone but will be placed in a quiet situation where the student will remain under observation.

Regulation: JICH-R

6. Contact with legal authorities may result, and the parent and student will be notified of this contact.
7. If it is determined that the student has used a prohibited substance as defined above, the student will be subject to the disciplinary provisions below.

B. First Offense for Use of Prohibited Substances

1. The student may be suspended for five (5) school days with a request by the principal to the Superintendent to extend the suspension an additional five (5) days for a total of ten (10) school days.
2. The ten (10) school day period of suspension may be reduced to three (3) school days provided the student agrees to complete:
 - a. A full District sponsored substance abuse evaluation (Evaluation); and
 - b. the Cherry Creek School District Alcohol and/or Drug Education/ Intervention Program (Program)

Responsibility for initiating and completing the intervention program rests with the student and his/her parent(s)/guardian(s).

Fees and Costs associated with the District Program and District Evaluation are subsidized by the District. The student and his or her parent(s)/guardian(s) are responsible for the following fees:

- i. Substance Abuse Evaluation: \$25/student
- ii. Program: \$10 for each ninety (90) minute session in which the student participates.

Evaluation and Program must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) school day suspension.

3. The student and his/her parent(s)/guardian(s) may choose to complete an alcohol or drug education/ intervention program and evaluation other than the District program. This alternate program and evaluation must be equivalent in content and length to the District program and must be agreed to by the student, his/her parent(s)/guardian(s) and the building administration. Any fees or costs associated with the alternate program and evaluation shall be the sole responsibility of the student and his/her parent(s)/guardian(s). Evidence of completion of the alternate program and evaluation must be provided within a time frame specified by the District. Failure to provide this documentation within

Regulation: JICH-R

the specified time frame will result in the imposition of the full ten (10) day school suspension.

4. A parent conference will be held before the student is readmitted to school. If the student has indicated he/she is electing to participate in an appropriate agreed upon education/intervention program and evaluation, the student will be eligible to have an early re-entry conference to school after the third day of the ten (10) day suspension period. The student must provide documentation of his/her involvement and attendance in the program and evaluation as part of the early re-entry process. Production of this documentation at the early readmit conference will allow the student to be re-enrolled in school and will allow for the remaining seven (7) school days of suspension to be expunged from his/her disciplinary record. Also, during the re-entry conference, a school official will develop with the parent and the student a written agreement that will outline the responsibilities of the parent, the student, and the school in an effort to keep any further offenses from occurring which will include, but not be limited to, statements regarding the requirements for the student to receive a reduced suspension and a statement that the additional seven (7) school days of suspension will be reinstated if the student fails to complete the intervention program and evaluation within the specified time frame. During the re-entry conference the student or his/her parent(s)/guardian(s) may be asked to provide a written release of information to the building principal or his/her designee in order for him/her to access information from the education/ intervention program and evaluation provider in order to verify the student's participation in, and completion of, the intervention program and evaluation. Additionally, this written agreement will specifically state consequences of a second offense.
5. The District will provide the student and his/her parent(s)/guardian(s) a resource list of alcohol and/or drug education/ intervention, counseling and/or treatment options. Provision of the list of providers is not an endorsement or guarantee by the school or the District of the background, preparation, training or services offered by the provider. Neither the school nor the District is responsible for any agreement entered into by an individual student and treatment provider.

C. Second Offense for Use of Prohibited Substances

1. The student may be suspended for five (5) school days with a request by the principal to the Superintendent to extend the suspension an additional five (5) school days for a total of ten (10) school days of suspension for serious violation of school board policy and may be recommended for expulsion.
 - a. The ten (10) school day period of suspension may be reduced to five (5) school days and, if applicable, the recommendation for expulsion waived if, after the first five (5) school days of suspension, the student and his/her

Regulation: JICH-R

parent(s)/guardian(s) provide evidence that the student has elected to complete:

1. A full District sponsored substance abuse evaluation (Evaluation); and
2. The Cherry Creek School District Alcohol and/or Drug Education Intervention Program (Program). Responsibility for initiating and completing the assessment and treatment plan, and for participating in a treatment program is solely that of the student and his/her parent(s)/guardian(s).

Fees and Costs associated with the District Program and District Evaluation are subsidized by the District. The student and his or her parent(s)/guardian(s) are responsible for the following fees:

- i. Substance Abuse Evaluation: \$25/student
- ii. Program: \$10 for each ninety (90) minute session in which the student participates.

Evaluation and Program must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) school day suspension.

The student and his/her parent(s)/guardian(s) may choose to complete an alcohol or drug education/intervention program and evaluation other than the District program. This alternate program and evaluation must be equivalent in content and length to the District program and must be agreed to by the student, his/her parent(s)/guardian(s) and the building administrator.

- b. A resource list of alcohol and drug intervention, counseling and/or treatment options will be provided to the student and his/her parent(s)/guardian(s) upon request. Provision of a list of providers is not an endorsement by the school or the District of the background, preparation, training or services offered by the provider. Neither the school nor the District is responsible for any agreement entered into by an individual student and treatment provider.
2. A parent conference will be held before the student is readmitted to school, regardless of whether or not the student chooses to participate in the early re-entry process. If the student elects to participate in the early re-entry and waiver process, he/she will have a re-entry conference after completion of the first five (5) school days of suspension. At the early re-entry conference, the student and his/her parent(s)/guardian(s) shall provide evidence of a completed individual alcohol and/or drug evaluation assessment and that

Regulation: JICH-R

he/she will be participating in an alcohol and/or drug treatment program and provide an outline of the recommended treatment plan. Any fees or costs associated with the evaluation/assessment, treatment plan or treatment program will be the sole responsibility of the student and his/her parent(s)/guardian(s). Production of this documentation at the early re-entry conference will allow the student to be re-enrolled in school and will allow for a waiver of the remaining five (5) school days of suspension and a waiver of the recommendation to expel. In the event the student chooses not to participate in the early re-entry process, he/she will have a re-entry conference upon completion of the designated expulsion period for purposes of review of this policy and regulation and to inform the student of consequences for any future offenses.

3. A written agreement will be completed with a school official, the student and a parent. If the student chooses to participate in the early re-entry process, he/she will complete an agreement to reduce the remaining five (5) school days of suspension and waive the recommendation to expel. The agreement must contain a provision that the remaining five (5) school days of suspension and recommendation to expel will be reinstated for the alcohol or drug offense if the student fails to complete the proposed treatment program. The student's parent(s)/guardian(s) may be asked to provide a written release of information to the building principal or his/her designee in order for him/her to access information from the intervention/treatment program provider in order to verify the student's participation in the intervention/treatment program.
4. Where circumstances warrant, special consideration for an in-district transfer will be considered as well as other educational alternatives. An in-district transfer will require the mutual agreement of the administrators of the two schools involved. Transportation to the new school will be the responsibility of the student and parent.

D. Third and Subsequent Offenses for Use of Prohibited Substance

1. The student may be suspended as outlined in School Board Regulation JKD-1-R and may be recommended for expulsion from school.
2. Procedures to be followed recommending expulsion from school are outlined in School Board Regulation JKD-1-R.

E. Possession of Prohibited Substances

The following procedures are to be followed for a student possessing a prohibited substance, marijuana accessory, or drug paraphernalia while within District jurisdiction.

Regulation: JICH-R

1. A school staff member who comes in contact with a student suspected of possessing a prohibited substance, marijuana accessory, or drug paraphernalia will notify the principal or principal's designee immediately.
2. A school staff member who has reasonable suspicion that a student is in possession of a prohibited substance, marijuana accessory, or drug paraphernalia will immediately attempt to detain the student and request that the student accompany the staff member to the principal or the principal's designee.

If the student refuses, the staff member will notify the principal or designee immediately. The staff member should make reasonable effort to remain with the student while using other means to contact the principal or principal's designee.

3. The principal or designee will attempt to obtain evidence by directly requesting it from the student or through search procedures that are outlined in Section V of this School Board Regulation (Searches).
4. If a student possesses any prohibited substance, marijuana accessory, or drug paraphernalia, the principal or designee will place the evidence in an envelope or alternative container as necessary. The envelope or alternative container will be sealed, dated and initialed by the individual who originally obtained the evidence and the principal or designee and then placed in a secure place. Photographs may also be taken of the evidence.
5. The principal or his designee may call the appropriate law enforcement agency in each instance of possession or sale of controlled substances by a student. A mutual decision will be made as to retention of the contraband by the school or testing by the authorities.
6. If the student is found to possess any prohibited substance, marijuana accessory, or drug paraphernalia, or if the student admits to possessing any prohibited substance or drug paraphernalia, the student may be subject to the disciplinary procedure below:

F. First Offense for Possession of Prohibited Substances

1. The student may be suspended for five (5) school days with a request by the principal to the Superintendent to extend the suspension an additional five (5) days for a total of ten (10) school days. The parent/guardian will be notified. If information warrants, the parent/guardian will be requested to attend a conference at school. The conference may include sharing the data collected, explaining consequences of involvement with drugs/alcohol, developing a plan of action, and offering the parent or guardian general information and resources related to substance abuse.

Regulation: JICH-R

a. The ten (10) school day period of suspension may be reduced to three (3) school days provided the student agrees to complete:

1. A full District sponsored substance abuse evaluation (Evaluation); and
2. The Cherry Creek School District Alcohol and/or Drug Education/Intervention Program (Program). Responsibility for initiating and completing the intervention program rests with the student and his/her parent(s)/guardian(s).

Fees and costs associated with the District Program and District Evaluation are subsidized by the District. The student and his/her parent(s)/guardian(s) are responsible for the following fees:

- i. Substance Abuse Evaluation: \$25/student
- ii. Program: \$10 for each ninety (90) minute session in which the student participates. Evidence of completion of the District education/intervention program must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) school day suspension.

b. The student and his/her parent(s)/guardian(s) may choose to complete an alcohol or drug education/intervention program other than the District program. This alternate program must be equivalent in content and length to the District program and must be agreed to by the student, his parent(s)/guardian(s) and the building administration. Any fees or costs associated with the alternate program shall be the sole responsibility of the student and his/her parent(s)/guardian(s). Evidence of completion of the alternate program must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) day school suspension.

2. A parent conference will be held before the student is readmitted to school. If the student has indicated he/she will participate in an appropriate agreed upon education/ intervention program, the student will be eligible to have an early re-entry conference to school after the third day of the ten (10) day suspension period. The student must provide documentation of his/her involvement and attendance in the program as part of the early re-entry process. Production of this documentation at the early re-entry conference will allow the student to be re-enrolled in school and will allow for the remaining seven (7) school days of suspension to be expunged from his/her disciplinary record. Also, during the re-entry conference, a school official will develop with the parent and the student a written agreement that will outline the responsibilities of the parent, the student,

Regulation: JICH-R

and the school in an effort to keep any further offenses from occurring which will include, but not be limited to, statements regarding the requirements for the student to receive a reduced suspension and a statement that the additional seven (7) school days of suspension will be reinstated if the student fails to complete the intervention program within the specified time frame. During the re-entry conference the student or his/her parent(s)/guardian(s) may be asked to provide a written release of information to the building principal or his/her designee in order for him/her to access information from the intervention program provider to verify the student's participation in, and completion of, the intervention program. Additionally, this written agreement will specifically state consequences of a second offense.

3. The District will provide the student and his/her parent(s)/guardian(s) a resource list of alcohol and/or drug intervention, counseling and/or treatment options. Provision of the list of providers is not an endorsement or guarantee by the school or the District of the background, preparation, training or services offered by the provider. Neither the school nor the District is responsible for any agreement entered into by an individual student and treatment provider.

G. Second Offense for Possession of Prohibited Substances

1. The student may be suspended for five (5) school days with a request by the principal to the Superintendent to extend the suspension an additional five (5) school days for a total of ten (10) school days of suspension for serious violation of school board policy and may be recommended for expulsion.
 - a. The ten (10) school day period of suspension may be reduced to five (5) school days and the recommendation for expulsion waived if, after the first five (5) school days of suspension, the student and his/her parent(s)/guardian(s) provide evidence that the student has elected to participate in:
 1. A full District sponsored substance abuse evaluation (Evaluation); and
 2. The Cherry Creek School District Alcohol and/or Drug Education/Intervention Program. Responsibility for initiating and completing the assessment and treatment plan, and for participating in a treatment program is solely that of the student and his/her parent(s)/guardian(s).

Fees and costs associated with the District Program and District Evaluation are subsidized by the District. The student and his/her parent(s)/guardian(s) are responsible for the following fees:

- i. Substance Abuse Evaluation: \$25/student

Regulation: JICH-R

- ii. Program: \$10 for each ninety (90) minute session in which the student participates.
- 2. The student and his/her parent(s)/guardian(s) may choose to complete an alcohol or drug education/intervention program and evaluation other than the District program. The alternate program and evaluation must be equivalent in content and length to the District program and must be agreed to by the student, his/her parent(s)/guardian(s) and the building administration. Any fees associated with the alternate program and evaluation shall be the sole responsibility of the student and his/her parent(s)/guardian(s). Evidence of completion of the alternate program and evaluation must be provided within a time frame specified by the District. Failure to provide this documentation within the specified time frame will result in the imposition of the full ten (10) school day suspension.
 - a. A resource list of alcohol and drug intervention, counseling and/or treatment options will be provided to the student and his/her parent(s)/guardian(s) upon request. Provision of a list of providers is not an endorsement by the school or the District of the background, preparation, training or services offered by the provider. Neither the school nor the District is responsible for any agreement entered into by an individual student and treatment provider.
- 3. A parent conference will be held before the student is readmitted to school, regardless of whether or not the student chooses to participate in the early re-entry process. If the student elects to participate in the early re-entry and waiver process, he/she will have a re-entry conference after completion of the first five (5) school days of suspension. At the early re-entry conference, the student and his/her parent(s)/guardian(s) shall provide evidence of a completed individual alcohol and/or drug evaluation assessment and that he/she will be participating in an alcohol and/or drug treatment program and provide an outline of the recommended treatment plan. Any fees or costs associated with the evaluation/assessment, treatment plan or treatment program will be the sole responsibility of the student and his/her parent(s)/guardian(s). Production of this documentation at the early re-entry conference will allow the student to be re-enrolled in school and will allow for a waiver of the remaining five (5) school days of suspension and a waiver of the recommendation to expel. In the event the student chooses not to participate in the early re-entry process, he/she will have a re-entry conference upon completion of the expulsion period for purposes of review of this policy and regulation and to inform the student of consequences for any future offenses.
- 4. A written agreement will be completed with a school official, the student and a parent. If the student chooses to participate in the early re-entry process, he/she will complete an agreement to reduce the remaining five (5) school day

Regulation: JICH-R

suspension and waive the recommendation to expel. The agreement must contain a provision that the remaining five (5) school days of suspension and recommendation to expel will be reinstated for the alcohol or drug offense if the student fails to complete the proposed treatment program. The student's parent(s)/guardian(s) may be asked to provide a written release of information to the building principal or his/her designee in order for him/her to access information from the intervention treatment program provider in order to verify the student's participation in, and completion of, the intervention treatment program.

5. Where circumstances warrant, special consideration for an in-district transfer will be considered, as well as other educational alternatives. An in-district transfer requires the mutual agreement of the administration of the two schools involved. Transportation to the new school will be the responsibility of the students and parents.

H. Third and Subsequent Offenses for Possession of Prohibited Substances

- a. The student may be suspended as outlined in School Board Regulation JKD-1-R until an expulsion review is held.
- b. Procedures to be followed for requesting an expulsion from school are outlined in School Board Regulation JKD-1-R.

I. Distributing. Dispensing. Selling. Giving or Exchanging

The following disciplinary procedures are to be followed for students who are engaged in distributing, dispensing, selling, giving, or exchanging any prohibited substance, marijuana accessory, or drug paraphernalia within District jurisdiction:

1. If a staff member witnesses, or has reasonable cause to suspect, or an investigation determines an act in which alcohol, drugs, other prohibited or controlled substances, any marijuana accessory, or drug-containing or drug-related paraphernalia are being transferred from one student to another, the staff member or investigator will immediately attempt to detain the student and request that the student accompany him to the principal or principal's designee. If the student refuses, the staff member or investigator will notify the principal or designee immediately. If this occurs, the staff member or investigator should make reasonable effort to remain with the student, while using other means to contact the principal or principal's designee.
2. The principal or his designee will attempt to obtain evidence by directly requesting it from the student or through search procedures outlined in Section V of this School Board Regulation (Searches).

Regulation: JICH-R

3. If at the time, the student possesses any prohibited substance, marijuana accessory, or drug paraphernalia, the principal or designee will place the evidence in an envelope. The envelope will be sealed, dated, and initialed by the principal or designee, and then placed in a secure place. Photographs may also be taken of the evidence.
4. The principal or his designee may call the appropriate law enforcement agency and request that an officer pick up the sealed envelope for testing.
5. The student may be suspended from school for five (5) school days and may be recommended for expulsion. The principal or designee may call appropriate law enforcement officials in each instance of possession or sale of controlled substances by a student. A mutual decision will be made as to retention of the contraband by the school or testing by the authorities.
6. The principal or his designee will conduct a conference with the parent and student prior to the student's being readmitted to school, and upon completion of the expulsion period, if applicable.

V. Searches

Searches shall be conducted in accordance with School Board Policy JIH: Student Interrogations, Searches and Arrests.

VI. Duty to Supervise

Nothing contained in the foregoing Regulation shall be construed to extend or expand the District's duty to supervise or control students or areas within District jurisdiction beyond that which existed under law prior to the approval of the foregoing Regulation.

Originally Approved by Superintendent Monte C. Moses, May 14, 2007.

Revised: August 13, 2012

Current Revision: February 13, 2017