

Milton Town School District

Policy

F7: STUDENT ALCOHOL AND DRUGS

Philosophy

Consistent with state and federal laws, Milton Town School Trustees believe:

1. Every student has the right to a safe and healthy learning environment and that it is the responsibility of our communities, and specifically all students, parents and school personnel to work together to achieve this goal.
2. A student's substance abuse is detrimental to the education of that student and is likely to be detrimental to the education of other students and to the well being of the entire school community.
3. Substance abuse and dependency are treatable health problems and that the school's responsibility is to provide preventative education for all students, intervention (identification and referral) for those students using substances, and support for those students attempting to maintain their recovery.

Policy

It is the policy of the Milton Town School District that no student shall knowingly possess, use, sell, give or otherwise transmit, or be under the influence of any illegal drug, regulated substance, alcohol, tobacco or drug paraphernalia on any school property (including buses), or at any school sponsored activity away from or within the school. For purpose of this policy, alcohol, tobacco, and drugs include substances that a student represents or believes to be a drug. The only exception to this policy is medication, authorized in writing in advance by a licensed health-care provider. Any student required to take medications during school hours is required to comply with school policies, procedures and regulations for the administration and possession of medications. It is also the policy of the district to make appropriate referrals in cases of substance abuse.

Definitions

Substance Abuse is the ingestion of drugs and or alcohol in such a way that it interferes with a person's ability to perform physically, intellectually, emotionally, or socially.

Drug means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal regulation or statute.

A) "Substance" includes any of the following:

1) "Drug":

- a) Means a controlled substance identified in Schedules I, II, III, IV or V of the Controlled Substance Act 21, U.S.C. § 812 (c); but
- b) Does not include such a substance that is legally possessed or used under the supervision of a licensed health-care professional or that is legally possessed or used under any authority under the Controlled Substances Act or under any other provision such as school medication policy, in school buildings, on school property and grounds, in school sponsored vehicles or at school sponsored events including other sites.

- c) It does mean controlled substances including, but not limited to, cannabis (marijuana); hallucinogens (LSD, psilocybin mushrooms); stimulants (cocaine, amphetamines such as “speed” or Ritalin); depressants (barbiturates, “Quaaludes”); narcotics (opium, heroin); inhalants (nitrous oxide, medical products, or other fume producing substances); anabolic steroids, or products distributed for unauthorized purposes, and counterfeit (look-alike) controlled substances.
- d) Prescription medication or over the counter (OTC) medications, herbal or homeopathic medications for personal use shall be allowed only as per district medication policy, under the supervision of school personnel, with written orders from a physician. Federal, state and local laws shall apply to students and employees alike.

2) “Drug Paraphernalia:”

Equipment and apparatus designed for, or used for the purpose of measuring, packaging, distributing or facilitating the use of drugs.

3) “Alcohol”:

The term alcohol shall refer to alcohol and alcohol-containing beverages. Alcohol may also include medicinal products such as mouthwash and cold medicine which contain alcohol and includes food related products such as extracts/ flavorings that include alcoholic content. If a student is using such a product for medicinal purposes, the medicinal purpose must be reported to the school nurse and the product kept by the nurse during school hours. If the administration discovers the student in possession of such a medicinal product and the nurse has no prior knowledge of the student’s medicinal need of the product, the product shall be considered “Alcohol” for the purposes of this Policy. Similarly, if the administration discovers that food products containing alcohol are not used in an authorized manner, the product shall be considered “Alcohol” for purposes of this Policy

4) “Tobacco”:

Tobacco products include all items listed in but not limited to 7 V.S.A. §1001(4). This includes cigarettes, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, Cavendish, plug and twist tobacco, fine-cut, and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings, and sweepings of tobacco, and other kinds and forms of tobacco prepared in a manner suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

Implementation

1. **Educational Program.** The school’s primary function is to educate its students. The Principal shall work with appropriate staff members to develop and conduct an alcohol and drug abuse educational program on a sequential basis from early childhood through grade 12

as required by Vermont law. The program shall be consistent with the Vermont Alcohol and Drug Education Curriculum Plan. If the school district is a recipient of federal Safe and Drug-Free Schools and Communities Act funds, the Act will be considered in the development of the alcohol and drug abuse educational program. Such instruction provides students with knowledge and enables them to develop the skills necessary to make responsible, healthy choices.

2. **Cooperative Agreements.** In dealing with substance abuse cases, every effort will be made to promote responsible decision-making by the student involved and other students who are aware of another student's use or abuse. The focus will be to encourage appropriate medical and/or psychological intervention by trained professionals. The Principal shall annually designate a person to be responsible for providing information to students and parents or guardians about outside agencies that provide substance abuse prevention services and to encourage the use of their services and programs when appropriate.
3. The Milton Town School District, under a cooperative agreement with **Spectrum Youth and Family Services** has established a Student Assistance Program. Students, under the age of eighteen, who have been referred or who refer themselves to the Student Assistance Program counselor may be seen individually by the counselor for purposes of substance abuse screening and consultation. It will be the goal of the Student Assistance Program to encourage the student to involve his/her parents or guardians at the earliest point in time.
4. **Referral and Consent.** Parental consent will not be required for student participation in group programs conducted within the schools that are educational in nature and designed to impart information and/or assist students in improving their sense of self-esteem. Such groups may be conducted only by trained professionals contracted by the schools to perform such service or by trained school staff who have been approved by the school administration to conduct such groups. Nor is parental consent required for referral to an outside substance abuse treatment program when a student who is twelve years of age or older is suspected of substance dependency, verified to have that dependency by a physician, and gives his or her own consent for treatment.
5. **Substance Abuse Team.** In each school the principal shall form a Substance Abuse Team which shall screen students who refer themselves and students who are referred by staff for suspected drug and/or alcohol use and/or abuse problems. The Substance Abuse Team will include the Principal, School Nurse, referring staff member and any other staff member the Principal determines necessary. The team will determine the need for further screening, education, counseling or referral for treatment in each case referred to it. In addition, the principal shall establish procedures for administering emergency first aid related to alcohol and drug abuse for the team to follow.
6. **Staff Training.** The principal will work with appropriate staff (such as health providers, guidance and substance abuse counselor and the Director of Instruction and Assessment) to provide training necessary to ensure that teachers and health and guidance personnel are prepared to competently teach or provide other services required in the school's alcohol and drug abuse prevention education program. Training will be designed to meet the

requirements of State Board Rule. The training will include a component explaining procedures that require immediate notification of the school administration by school staff of any violation of law, including the illegal possession or distribution of drugs or alcohol.

7. **Community Involvement.** The principal will work with school staff and community members to design and implement a program to inform the community about substance abuse issues and the programs and supports provided by the school to educate students about the dangers of alcohol and drug abuse and to assist students who are abusing alcohol or drugs.
8. **Annual Report.** In a standard format provided by the Vermont Department of Education, the principal or his or her designee will submit an annual report to the Commissioner of Education describing substance abuse education programs and their effectiveness.
9. **Notification.** The principal shall ensure that parents and students are given copies of the standards of conduct and disciplinary sanctions contained in the procedures related to this policy, and are notified that compliance with the standards of conduct is mandatory. Notice to students will, at a minimum, be provided through inclusion of these standards and sanctions in the student handbook distributed to all students at the beginning of each school year or when a student enrolls in the school.
10. **Reporting.** When a staff member has reason to believe that a student might be having a problem related to substance abuse, the staff member shall make a referral to the Substance Abuse Team. School staff will immediately report any violation of the law, including illegal possession or distribution of alcohol, drugs or tobacco, to the principal.

Violations and Consequences

All disciplinary measures taken in accordance with this policy will comply with due process requirements and, where appropriate, will be consistent with the rights of students with disabilities as reflected in the school's discipline policy.

All violations are cumulative within each level: K-5, 6-8, 9-12, and will not be carried over from one level to the next.

Any students who violate this policy while they are members of a school team are subject to additional disciplinary actions as are defined in the school's training rules. Any student who commits a second offense, in the same year, of the School District's policy may not represent the school and consequently the student will immediately be dismissed from all co-curricular activities (athletic and non-athletic) for the remainder of the school year.

A. Tobacco and Tobacco Product: Sale; Distribution; Exchange

1. First Violation: A student found to be selling, and or distributing tobacco products or attempting to sell and/or distribute tobacco products on school property or at a school-sponsored event will receive the following consequences:

- a) Parent/Guardian notification.

- b) Police notification.
- c) Confiscation of tobacco products.
- d) Suspensions at each level, as follows: K-5, one to two days; 6-8, 9-12, one to three days.
- e) Student will participate in a mandatory in-school tobacco education program, if available.

2. Second and Subsequent Violations: A student found to be in violation on school property or at a school-sponsored event will receive the following consequences:

- a) Parent/Guardian notification.
- b) Police notification.
- c) Confiscation of tobacco products.
- d) Suspensions at each level, as follows: K-5, two to three days; 6-8, 9-12, three to five days.
- e) Student will participate in a mandatory in-school tobacco education program, if available.

B. Tobacco: Purchase; Use; Possession; Possession of a Reasonably Related Tobacco Device; Participation in a Related Incident or Refusal to Cooperate with an Investigation

1. First Violation: A student found to be in violation on school property or at a school sponsored event shall receive the following consequences:

- a) Parent/Guardian notification.
- b) Police notification.
- c) Confiscation of tobacco products.
- d) Student will participate in a mandatory in-school tobacco education program, if available.

2. Second Violation: If a student is found to be in violation on school property or at a school sponsored event, the following shall occur:

- a) Parent/Guardian notification.
- b) Police notification.
- c) Confiscation of tobacco products.
- d) Suspensions at each level, as follows: K-5, one day; 6-8, 9-12, two days.

3. Third and Subsequent Violations: If a student is found to be in violation on school property or at a school sponsored event, the following shall occur:

- a) Parent/Guardian notification.
- b) Police notification.
- c) Confiscation of tobacco products.
- d) Suspension at each level, as follows: K-5, two days; 6-8, 9-12, three days.

C. Alcohol or Other Drugs: Sale; Distribution or Exchange

1. First and Subsequent Violations: A student found to be selling and/or distributing alcohol and other drugs, or attempting to sell and/or distribute other drugs on school property or at a school sponsored event shall receive the following consequences:

- a) Parent/Guardian notification.
- b) Police notification.
- c) Confiscation of alcohol and/or other drug.
- d) Suspension for 10 school days at the 6-8, 9-12 levels.
- e) At the K-5 level, suspension will be for five days with an automatic referral to the Child Protection Team.
- f) Recommendation to the School Board for an expulsion hearing; procedure is as follows:
 1. The school Board shall convene a hearing within the 10 school days of the suspension period.
 2. All parties shall be entitled to representation by counsel at their own expense.
 3. Upon conclusion of the hearing, the Board shall make its decision.
 4. The student and parents shall be notified of the Board's decision as soon as possible but within five working days, and a written decision shall follow regarding expulsion.
 5. A drug and alcohol assessment shall be required at parent/guardian expense, and be made by a certified drug and alcohol counselor prior to re-entry to school.
 6. Student/parent(s)/guardian must release the assessment information to the designated school person and the treatment recommendations must be followed.
 7. Student shall meet with the student assistance counselor upon return to school.

D. Alcohol and Other Drugs: Purchase; Use; Possession; Being Under the Influence; Possession of a Reasonably Related Alcohol or Drug Device/Paraphernalia; Participation in a Related Incident or Refusal to Cooperate with an Investigation

1. First Violation: A student found to be in violation on school property or at a school sponsored event shall receive the following consequences:

- a) Parent/Guardian notification.
- b) Police notification.
- c) Confiscation of alcohol or other drug when possible.
- d) Suspension at each level, as follows: K-5, two to three days; 6-8, 9-12, three to five days.
- e) The student shall meet with the student assistance counselor and shall procure a Proof of Contact/Release of Information form. If counselor is unavailable, please refer to an administrator for this form.
- f) Upon or before return to school:
 1. The student must provide Proof of Contact of a scheduled drug/alcohol assessment appointment at parent/guardian expense (see the above mentioned Contact form).
 2. This assessment shall be made by a certified drug/alcohol counselor and must be completed within one week of the date of return. Exceptions to this time frame may be made by the Superintendent or designee in the event of scheduling difficulties.

3. The student/parent/guardian must release the assessment's education and treatment recommendations to the designated school person(s). (See the above mentioned Release of Information form.)
4. The assessment recommendations will be followed.
5. Student shall meet with the student assistance counselor upon return to school.
6. Failure to comply with numbers 1-5 above will result in further disciplinary action as determined by administration.

2. Second and Subsequent Violations: If a student is found to be in violation on school property or at a school sponsored event, all of the following shall occur:

- a) Parent/Guardian notification.
- b) Police notification.
- c) Confiscation of alcohol or other drug when possible.
- d) Suspension for 10 school days.
- e) Recommendation to the School Board for an expulsion hearing; procedure is as follows:
 1. The school Board shall convene a hearing within the 10 school days of the suspension period.
 2. All parties shall be entitled to representation by counsel at their own expense.
 3. Upon conclusion of the hearing, the Board shall make its decision.
 4. The student and parent shall be notified of the Board's decision as soon as possible but within five working days, and a written decision shall follow regarding expulsion.
 5. A drug and alcohol assessment shall be required at parent/guardian expense, and be made by a certified drug and alcohol counselor prior to re-entry to school.
 6. Student/parent(s) guardian must release the assessment information to the designated school person(s) and the treatment recommendations must be followed.
 7. Student shall meet with the student assistance counselor upon return to school.
 8. Failure to comply with numbers 5-7 above will result in further disciplinary action as determined by the administration.

First Reading: 3/12/12
Date Adopted: 4/9/12
Legal Reference(s): 20 U.S.C. §§7101 et seq. (Safe & Drug-Free Schools & Communities Act of 1994)
 16 V.S.A. §909 (Drug & Alcohol Abuse Prevention Education Curriculum)
 16 V.S.A. 131(9) (Comprehensive Health Education)
 16 V.S.A. §1045(b)(Driver Training Course)
 16 V.S.A. §1165 (Alcohol and drug abuse)
 18 V.S.A. §4226 (Drugs: minors, treatment, consent)
 Vt. State Board of Education Manual of Rules and Practices §§4200 -4215)
Cross Reference: Student Conduct and Discipline (F1)
 Search and Seizure (F3)
 Interrogations or Searches of Students by Law Enforcement Officers or Other Non-School Personnel (F4)