



JICH - STUDENT CONDUCT INVOLVING DRUGS AND ALCOHOL

Poudre School District shall promote a healthy environment for students by providing education, support and decision-making skills in regard to alcohol, drugs and other controlled substances. In order to accomplish this goal, District personnel shall cooperate with law enforcement, social services and other agencies and organizations, parents, 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:

- **"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" is a substance that has a stimulant, depressant, hallucinogenic or other effect on a person similar to that of a drug or controlled substance.
- **"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 in accordance with all applicable District policies and regulations including but not limited to District Policy JLCD.
- **"Unauthorized drugs"** are all drugs not defined herein as authorized drugs.
- **"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," "giving" or "selling,"** refer to 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.

Student possession of drug paraphernalia and possession, use, distribution, gift, purchase, exchange, sale or being under the influence of alcohol or unauthorized drugs is 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.

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

As required by Colorado law, primary caregivers are permitted to administer medical marijuana in a nonsmokeable 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. Notwithstanding any provision of this Policy JICH to the contrary, students shall not be considered in violation of this Policy JICH and shall not be subject to discipline for acting in compliance with Policy JLCD.

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 will follow the District's procedures on referrals to or consultations 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. The student will be suspended from school for five (5) school days upon the first offense within one (1) calendar year. Up to four (4) days of this suspension may be deferred if the below steps are successfully completed.
 - a. A parent conference will be held to discuss the student's options.

- b. The school principal or designee will attempt to develop with the parent and the student a procedure that will outline the responsibilities of the parent, the student and the school in an effort 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. Participation and completion of the program and/or counseling is required to maintain deferral of the remaining suspension days.

SECOND OFFENSE

1. 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. 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. 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.

THIRD OFFENSE

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

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. 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 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.

Adopted by Board: February 1974

Revised by Board: June 1982

Revised by Board: August 1982

Revised by Board: June 1988

Revised by Board: August 1989

Revised by Board: August 14, 1995

Revised by Board: August 12, 1996

Revised by Board: August 11, 1997

Revised by Board: August 14, 2000

Revised by Board: June 11, 2001

Revised by Board: October 11, 2004
Revised by Board: April 24, 2006
Revised by Board: May 26, 2009, effective July 1, 2009
Revised by Board: April 13, 2010, effective July 1, 2010
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:

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

CROSS REFS:

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