



NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

SECTION: J-Students
POLICY TITLE: Student Use of Tobacco, Alcohol, and Drugs
FILE No.: JDB
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TABLE OF CONTENTS

1. PURPOSE AND PHILOSOPHY
 2. DEFINITIONS
 3. PROHIBITED SUBSTANCES
 4. DISCIPLINARY ACTION FOR USE, POSSESSION, INFLUENCE, SALE, OR DISTRIBUTION
 5. RECORD OF VIOLATIONS
 6. STUDENTS WITH DISABILITIES
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1. PURPOSE AND PHILOSOPHY

The Board of Education of Nebo School District recognizes that every student should have the opportunity to learn in an environment which is safe, conducive to the learning process, and free from unnecessary disruption. The use, possession, influence, distribution, and sale of tobacco, alcohol, drugs, and/or other similarly harmful substances or drug paraphernalia jeopardizes this safe environment and constitutes a hazard to the welfare of students and faculty, in addition to being illegal under the laws of the State of Utah. In order to maintain a secure and orderly learning environment, the District hereby adopts this policy to assist students in avoiding the dangers of the Prohibited Substances outlined herein.

2. DEFINITIONS

- 2.1. "Disclose the Source"** means a student found in violation this Policy reveals to a school or District administrator: (1) the name of the person who provided the prohibited substance; (2) how the substance was provided; (3) where the substance was provided; and (4) when the substance was provided. Disclosing the source is strongly encouraged and may be considered when imposing discipline for a violation of this policy.
- 2.2. "Drug Assessment"** means an intake evaluation at the Utah County Division of Substance Abuse/Assessment Center or an assessment of equal quality.
- 2.3. "Drug Test"** means the use of an oral fluid drug screen device, a blood screen, a hair follicle drug screen, or a urine drug screening method to determine use of specific prohibited illegal substances or alcohol. Nebo School District does not administer drug tests, nor does it discipline students based solely on the results of a drug test. Drug testing shall not be conducted by District employees. However, the District may contact law enforcement officials when students are suspected of having violated this policy, and the results of any testing conducted by law enforcement or other certified agency or individual may be considered in imposing student discipline.

- 2.4. **“Drug Treatment”** means a certified drug or alcohol treatment program.
- 2.5. **“Follow-up Drug Screening”** means a drug test voluntarily submitted to by a student during the period of a suspension or other discipline for violation of this policy and may be considered in a review of the discipline imposed. Follow-up drug screenings are not required and may not be conducted by District employees.
- 2.6. **“Influence”** means the effects of any substance identified or defined in this policy. A student is under the influence if the student has inhaled, ingested, injected, or otherwise consumed a prohibited substance and is found on school or District property or at a school or District-sponsored event before effects of the substance have worn off.
- 2.7. **“Sell”** and **“Distribute”** have the meanings ascribed to them in the Utah Controlled Substances Act, Utah Code Ann., Section 58-37-1, et seq., and the Imitation Controlled Substances Act, Utah Code Ann., Section 58-37b-1 et seq. To sell or distribute means the actual, constructive, or attempted transfer, delivery, or dispensing to another of any Prohibited Substance. Such delivery does not require an exchange of goods or services. Any sharing of a Prohibited Substance, whether profitable or not, constitutes a sale or distribution and is prohibited by this policy.
- 2.8. **“Use”** and **“Possession”** have the meanings ascribed to them in the Utah Controlled Substances Act, Utah Code Ann., Section 58-37-1, et seq., and mean the ownership, control, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption of any Prohibited Substance as defined in Section 3 below.

3. PROHIBITED SUBSTANCES

- 3.1. Unless specifically authorized by Section 3.2 below, no student may use, possess, be under the influence of, sell, or distribute any of the following while on school or District property, in any vehicle dispatched by the District, or at any school or District-sponsored activity. These prohibitions apply whether or not the actions occur during regular school hours.
- 3.1.1. **Addictive Prescription Drugs**, which means drugs for which a prescription is required and which have a high potential for abuse and may lead to severe or moderate psychological or physical dependence. All drugs listed in Schedule II of the federal Controlled Substances Act, and most from Schedule III, fall under this category. Examples include, but are not limited to, oxycodone (such as Percocet and OxyContin), Fentanyl, Morphine, hydrocodone/codeine (such as Lortab and Vicodin), and Paregoric.
- 3.1.2. **Alcohol**, alcoholic beverages, or alcoholic products as defined in the Utah Alcoholic Beverage Control Act, Utah Code Ann., Section 32B-1-102.
- 3.1.3. **Illegal Drugs**, which means drugs as defined in the Utah Controlled Substances Act, Utah Code Ann., Section 58-37-2, the use of which is prohibited by law. As used in this policy, the term “drug” or “drugs” includes all substances whose use is prohibited by local, state, or federal law, which are listed in Schedules I through V of both the federal Controlled Substances Act and the Utah Controlled Substances Act.
- 3.1.4. **Imitation and Other Harmful Substances**, including, but not limited to, imitation controlled substances as defined in the Utah Imitation Controlled Substances Act, Utah Code Ann., Section 58-37b-1 et seq., psychotoxic chemical solvents as defined by Utah Code Ann., Section 76-10-107, nitrous oxide as defined by Utah Code Ann., Section 76-10-107.5, performance enhancing drugs, and any other substance

ingested, injected, inhaled, or otherwise consumed with the intent to affect the structure or any function of the body; cause a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses; or in any manner change, distort, or disturb the audio, visual, or mental processes.

- 3.1.5. Non-Addictive Prescription Drugs**, which means drugs for which a prescription is required but which have a lower potential for abuse and a limited likelihood of leading to psychological or physical dependence. Typically those drugs listed in Schedules IV and V of the federal Controlled Substances Act fall under this category. Examples include cough suppressants, antibiotics, diet drugs, non-amphetamine stimulants, long acting barbiturates, Valium, Lyrica, and other drugs not known to be addictive and which are not typically used recreationally.
- 3.1.6. Over-the-Counter Drugs**, which are drugs that have a currently accepted medical use and for which a prescription is not needed.
- 3.1.7. Paraphernalia**, as defined in the Utah Drug Paraphernalia Act, Utah Code Ann., Section 58-37a-3, including any equipment, product, or material used or intended for use to store, contain, conceal, inject, ingest, inhale, or to otherwise introduce any of the above Prohibited Substances into the human body. Notwithstanding this provision, students with written authorization from a parent or legal guardian and an appropriate health care provider may use and possess asthma inhalers, epinephrine auto-injectors (EpiPens), and equipment necessary for the administration of diabetes medication in accordance with Nebo School District Policy #JHCD – Administering Medication to Students.
- 3.1.8. Tobacco**, including, but not limited to, cigarettes, cigars, smokeless tobacco, electronic cigarette or cigar cartridges, Electronic Nicotine Delivery System (ENDS) devices, blunts, bidis, clove cigarettes, dissolvable tobacco, hookah and hookah products, products containing nicotine vapor/oil, or other tobacco/nicotine products in any form, including as these terms may be used by Utah Code Ann., Section 76-10-101.
- 3.2.** It is not a violation of this policy for a student to possess, use, or be under the influence of a single dose or a dosage covering the period in which the student will be at school or at a school-sponsored activity of an over-the-counter drug or a prescription drug legally prescribed to the student. Any student to whom an over-the-counter or prescription drug is administered by the school must be in compliance with Nebo School District Policy #JHCD – Administering Medication to Students, and any student possessing an epinephrine auto-injector (EPI Pen) or prescription medication for asthma or diabetes must have all required forms completed and on file at the school. Failure to do so constitutes a violation of this policy.
- 4. DISCIPLINARY ACTION FOR USE, POSSESSION, INFLUENCE, SALE, OR DISTRIBUTION**
- 4.1.** Except as provided in Section 3.2, students are prohibited from using, possessing, being under the influence of, selling, or distributing the Prohibited Substances listed in Section 3.1 above and will be disciplined for any violation. Disciplinary action will be consistent with Nebo School District Policy #JD – Student Conduct and Discipline and with the following provisions.
- 4.1.1.** Students are subject to suspension or expulsion for violation of this policy. School principals or assistant principals have the authority to suspend a student for up to ten (10) school days. The Superintendent or his/her designees may suspend a student

for up to one (1) school year. The Board of Education may expel a student for a fixed or indefinite period of time.

- 4.1.2. Administrators are encouraged to consult Exhibit 1 – Recommended Disciplinary Actions for Violations of Policy JDB when considering appropriate disciplinary action against students found to have violated this policy. Administrators should consider all facts surrounding the violation, including any mitigating or aggravating circumstances, and should adjust the discipline accordingly. Principals and assistant principals are not authorized to suspend a student for more than ten (10) school days. Violations requiring a suspension beyond ten (10) school days must be referred to the Coordinator of Student Services.
- 4.1.3. Administrators should refer to Section 10 of Nebo School District Policy #JD – Student Conduct and Discipline and provide a continuum of intervention strategies such as school counseling services, parent/student conferences, behavior contracts, and drug treatment programs at every level of discipline for violations of this policy. Such intervention strategies should be in conjunction with the recommendations found in Exhibit 1 – Recommended Disciplinary Actions for Violations of Policy JDB.
- 4.1.4. Voluntary enrollment by students in drug testing, follow-up drug screenings, drug assessments, or drug treatment programs may be considered when imposing disciplinary action. Such enrollment is at the expense of the student.
- 4.1.5. Students are encouraged to disclose the source of the Prohibited Substance for which they were found in violation, and such disclosure may be considered when imposing disciplinary action.
- 4.1.6. Students are encouraged to refer themselves to a counselor or other school official for help complying with this policy. Self-referrals prior to being found in violation of this policy may be considered when imposing disciplinary action. The District will provide a conference with the school designated educator and/or the school intervention team staff to discuss possible resources for assistance.

5. RECORD OF VIOLATIONS

- 5.1. Policy violations are cumulative for grades K-12, and disciplinary action becomes more severe with each subsequent violation, regardless of whichever Prohibited Substance is the subject of the violation. For example, if a student whose record shows a first offense of the policy for possession of tobacco in the eighth grade is found to have distributed alcohol in the ninth grade, the distribution of alcohol would constitute a second offense under Exhibit 1 – Recommended Disciplinary Actions for Violations of Policy JDB.
- 5.2. The records of violations of student use, possession, being under the influence of, sale, or distribution of Prohibited Substances shall note the date, type of violation, and disciplinary action taken and will be kept in the student's record.
- 5.3. A record of similar violations from previous schools outside Nebo School District will be taken into account when imposing discipline for violations of this policy.

6. STUDENTS WITH DISABILITIES

- 6.1. Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act (IDEA) or accommodations under Section 504 of the Rehabilitation Act of 1973 (Section 504) is subject to discipline for a violation of this or another District policy, the discipline due process procedures prescribed by applicable state and

federal laws and regulations shall be followed. See Nebo School District Policy #JD – Student Conduct and Discipline.

EXHIBITS

JDB Exhibit 1 – Recommended Disciplinary Actions

REFERENCES

Controlled Substances Act, 21 U.S.C. §801 et seq.
Utah Controlled Substances Act, Utah Code Ann., §58-37-1, et seq.
Utah Drug Paraphernalia Act, Utah Code Ann., §58-37a-3
Utah Imitation Controlled Substances Act, Utah Code Ann., §58-37b-1 et seq.
Utah Code Ann., §76-10-101
Utah Code Ann., §76-10-107
Utah Code Ann., §76-10-107.5
NSD Policy #JD – Student Conduct and Discipline
NSD Policy #JHCD – Administering Medication to Students

FORMS

Nebo School District Tobacco, Alcohol, and Drug Non-Use Contract
Incident Reporting Form/Suspension Notice



Exhibit 1 – Recommended Disciplinary Actions for Violations of Policy JDB

Type	Offense	1 st offense	2 nd offense	3 rd offense
Addictive Prescription Drugs	Use, Possession, or Influence	Determine severity. School may suspend up to 10 days.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.
Alcohol	Use, Possession, or Influence	Determine severity. School may suspend up to 5 days.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.
Illegal Drugs	Use, Possession, or Influence	Determine severity. School may suspend up to 10 days.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.
Imitation and Other Harmful Substance	Use, Possession, or Influence	Determine severity. School may suspend up to 10 days.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.

Non-Addictive Prescription Drugs	Use, Possession, or Influence	Determine severity. School may suspend up to 5 days.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.
Over the Counter Drugs	Use, Possession, or Influence	Determine severity. School may suspend up to 5 days.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.
Paraphernalia	Use, Possession, or Influence	Determine severity. School may suspend up to 10 days.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.
Tobacco	Use, Possession, or Influence	Determine severity. School may suspend up to 5 days.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.



**Exhibit 1a – Recommended Disciplinary
Actions for Violations of Policy JDB –
condensed format**

The recommendations in this table are the same as those in Exhibit 1. This table is simply a condensed version of the above.

Type	Offense	1 st offense	2 nd offense	3 rd offense
Alcohol, Tobacco, Over the Counter & Non-addictive Prescription Drugs	Use, Possession, or Influence	Determine severity. School may suspend up to 5 days.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 45-day suspension.	School suspends 10 days. Referred to district for 90-day suspension.
Addictive Prescription, Illegal, Imitation, and Paraphernalia	Use, Possession, or Influence	Determine severity. School may suspend up to 10 days.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.
	Distribution / Sale	Determine severity. School may suspend up to 10 days with call to district.	School suspends 10 days. Referred to district for 90-day suspension.	School suspends 10 days. Referred to district for 180-day suspension/ permanent expulsion.