

DRAFT

Policy 3320 ~ RISE Charter School

Substance and Alcohol Abuse

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The Board recognizes that use of alcohol and drugs is a serious problem and that the presence of drugs in school is detrimental to the educational environment and harmful to the health, safety, and welfare of students and staff. It is the desire of the Charter School to help those in need of alcohol and drug intervention and, at the same time, to protect others that are affected by the presence of alcohol and drugs and to enforce the policies of the School relating to use, possession, and being under the influence of alcohol or controlled substances, as that term is defined in statute (I.C. § 37-2732C). It is the philosophy of the School that the School will help those who desire to help themselves.

~~The School's desire is to create an environment where students feel safe from the many harmful influences that are prevalent in our society. For those students that come forward and voluntarily disclose using and/or being under the influence of alcohol and/or drugs while on School property or at a School function, prior to the School having reasonable suspicion, the Charter School will provide counseling to any such student and make recommendations for referral to appropriate agencies for screening and assessment. The parent/legal guardian or custodian of the student will be notified immediately and the School will cooperate with and work with the parent in the establishment of a plan to assist the student in whatever means are deemed necessary and appropriate. The student's parent/guardian or custodian will be notified of available opportunities for counseling for the student. Only persons on a "need to know" basis may receive information regarding a voluntary disclosure, except when deemed reasonably necessary to protect the health and safety of others. The incident shall be reported to law enforcement.~~

The mere fact that a student previously disclosed use of alcohol or a controlled substances, in and of itself, shall not establish reasonable suspicion at a later date.

~~If the School has reasonable suspicion (based upon reliable information received or the personal observations of staff) to believe that a student is using or is under the influence of alcohol or a controlled substance and the student has not voluntarily disclosed such use or influence, the School may take whatever action is deemed appropriate, including but not limited to, notifying the parent/legal guardian, notifying local law enforcement, suspension, and/or expulsion. The following shall be used as a guide in determining what procedures may be followed when this occurs~~ **the School has reasonable suspicion that a student is using or is under the influence of alcohol or a controlled substance**, however, the specific procedure may, in large part, depend upon the circumstances in each case:

1. Upon reasonable suspicion, the student will be asked if he or she has used and/or is under the influence of alcohol and/or drugs;
2. If the student admits to the use, the following will occur:
 - a. The student's parent/legal guardian will be immediately called;
 - b. The student will be asked to reveal the circumstances involving the use of alcohol and/or drugs and asked if any other students were involved;

- c. Law enforcement will be called if the suspected substance is illegal.
 - d. The student will be immediately suspended from School, and depending upon the circumstances, may be suspended for up to 20 days and/or recommended for expulsion.
 - e. As a condition of readmission, the School may require the student to undergo assessment and counseling for alcohol and/or drug use.
3. ~~If the student does not admit to the use of alcohol and/or drugs and the staff member(s) in charge, after talking to the student, still believes that the student used or was/is under the use or influence of alcohol and/or drugs, an investigation will be conducted, which may include a search of the student's locker, car, desk or any other School property used by the student may be subject to search. In addition, law enforcement will be called immediately as will be the parent/guardian. The student will be suspended from School pending an investigation. If the investigation shows that, more likely than not, the student used or was under the influence of drugs and/or alcohol, a recommendation for expulsion will be made to the Board of Directors.~~

3. If the student does not admit to using a controlled substance or alcohol, and the School still has reasonable suspicion, the School will call the parent/legal guardian in addition to local law enforcement. After making such calls, the School will take the appropriate course of action which may include suspension or recommendation for expulsion.

The student will be entitled to full due process prior to being expelled from School. As a condition of readmission, the Board may require that the student undergo assessment and counseling for alcohol and/or drug use.

The School shall provide written annual notification of the voluntary disclosure provisions of this policy as well as counseling availability and any other pertinent information in the student handbook or other reasonable means.

The Board shall review this policy annually.

Cross References:

3330 Student Discipline
 3340 Corrective Actions and Punishment.
 3360 Discipline of Students with Disabilities
 3370 Searches and Seizures
 4175 Required Annual Notices

Legal References:

Pub. L. 101-226 The Anti-Drug Abuse Act of 1986, Title IV, Subtitle B: The Drug-Free Schools and Communities Act of 1986 (as amended)
 I.C. § 33-210 Attendance at Schools —Students Using or Under the Influence of Alcohol or Controlled Substances
 IDAPA 08.02.03.160 Safe Environment and Discipline.

Policy History:

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