

CODE F9
Mandatory

SUBSTANCE USE POLICY

Policy

It is the policy of the Chittenden South Supervisory Union and its members school districts (Charlotte, Hinesburg, Shelburne, Williston and Champlain Valley Union) that no student shall knowingly possess, use, sell, give or otherwise transmit, or be under the influence of any illegal drug, regulated substance, or alcohol on any school property, or at any school sponsored activity away from or within the school.

It is further the policy of the district to make appropriate referrals in cases of substance use. School personnel will work in a coordinated manner to establish prevention, treatment, and support opportunities. The Principal, with the approval of the Superintendent, may determine the applicability of this policy for students in grades K-4.

General Provisions

It is a violation of this policy for any person to knowingly purchase, possess, use, sell, give, supply, or otherwise transmit, or be under the influence of any substance (as defined below), drug, or alcohol product on school property, or at any school-sponsored activity away from or within the school. The possession of devices or paraphernalia specifically or reasonably associated with alcohol or drug use is prohibited. Additionally, the refusal or failure of a student to “cooperate fully” as set forth in VII A. 4 and, “retaliation” as defined in VII A. 5, shall be deemed to be violations of this policy.

When the school administration has sufficient information as a result of observation, information, or referral to suspect that a probable violation of this policy has occurred, the student(s) will be expected to cooperate fully with the administration. This may include, but is not limited to, removal of shoes, the emptying of pockets, pocketbooks, and/or backpacks. In such situations, the administration also reserves the right to inspect students’ lockers and cars parked on school premises. Such actions shall conform to appropriate legal standards. Failure on the part of the student to provide complete cooperation will constitute a violation of this policy and, for purposes of a consequence be treated as a possession violation. The principal reserves the right to contact a law enforcement agency in the event that the student fails to cooperate.

It shall be a violation of this policy and other applicable District policies for anyone to retaliate in any way against any person who may or has participated or cooperated in the investigation of the above-defined violations. Retaliation includes, but is not limited to, verbal and physical threats, intimidation, assault and/or battery or an attempt to do any of the foregoing. Retaliation is a serious matter and it will constitute the basis for separate disciplinary action up to and including the expulsion of the student.

Violations under this policy are cumulative in nature during a student’s total years of enrollment at the school without regard or limitation to individual school years.

In all reported instances of a violation of this policy, the parent(s) or legal guardian will be notified by the school principal, or other appropriate personnel. The parent(s) or legal guardian will be requested to transport the student home. In no event will the student be permitted to leave the school without an escort.

Definitions

“Substance” means any illegal, controlled, and over-the-counter drugs, and alcohol products. It also includes, but is not limited to:

- a. Any abusable glue or aerosol paint, as defined by state or federal law, or any other chemical substance including, but not limited to, lighter fluid and reproduction fluid, for inhalation;
- b. Any prescription or non-prescription drug, medicine, or other chemical including, but not limited to, pain relievers, stimulants, diet pills, cough medicines and syrups, cold medicines, laxatives, stomach and digestive remedies, depressants, or sleeping pills, not taken in accordance with the provisions of school policy regarding the dispensing of medication.

Drug means any narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana or any other controlled substance as defined by state or federal regulation or statute.³

“Paraphernalia” or **“device”** means any handmade or commercial gadget or tool that assists, or is used for, the intake of a substance. Examples include rolling paper, pipes, needles, and manipulated lab equipment.

Substance use is the possession, use, sale, transmitting or being under the influence of any substance, drug, paraphernalia or device as defined by this policy, on any school property, or at any school sponsored activity away from or within the school.

Substance abuse is the ingestion of substances, drugs and or alcohol in such a way that it interferes with a person’s ability to perform physically, intellectually, emotionally, or socially²

Educational Program

The Administration shall work with appropriate staff members to develop and conduct an alcohol and drug use educational program on a sequential basis from early childhood through grade 12 as required by Vermont law.⁴ The program shall be consistent with the Vermont Alcohol and Drug Education Curriculum Plan.⁵ If the school district is a recipient of federal Safe and Drug Free Schools and Communities Act⁶ funds, the ACT will be considered in the development of the alcohol and drug use educational program.

Cooperative Agreements⁷ and Services

In dealing with substance use 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 substance use. The focus will be to encourage appropriate medical and/or psychological intervention by trained professionals. The Principal shall annually designate a member of the appropriate school support team such as a substance use team or member of the administration to be responsible for providing information to students and parents or guardians about outside agencies that provide substance use prevention services and to encourage the use of their services and programs when appropriate.

The Supervisory Union and its schools have established a Student Assistance Program. Students, under the age of eighteen (18) who have been referred or who refer themselves to a counselor, may be seen individually by the counselor for purposes of substance use screening and consultation.

Referral and Consent

Parental consent is not required for student participation in group programs conducted within the school 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 school to perform such service or by trained school staff who have been approved by the administration to conduct such groups⁸.

Further, parental consent is not required for referral to an outside substance use 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. See 18 VSA § 4226 “Minors; treatment; consent” which states in relevant part “If a minor of twelve years of age or older is suspected to be dependent upon regulated drugs..., or to be an alcoholic...and the finding of such dependency or disease or alcoholism is verified by a licensed physician, the minor may give his consent to medical treatment and hospitalization and in the case of a drug dependent or alcoholic person, non-medical inpatient or outpatient treatment at a program approved by the agency of human services to provide treatment for drug dependency or alcoholism if deemed necessary by the examining physician for diagnosis or treatment of such dependency or alcoholism...The consent of the parent or legal guardian or a minor consenting under this section shall not be necessary to authorize care as described above..⁹

School Support Teams

In each school the principal shall identify the appropriate school support team to act as a Substance Abuse Team or shall form a Substance Use Team which shall screen students who refer themselves and students who are referred by staff for suspected drug and/or alcohol use and/or use problems. The team will determine the need for further screening, education, counseling or referral for treatment in each case referred to it¹⁰. In addition, the principal shall establish procedures for administering emergency first aid related to alcohol and drug use for the team to follow.¹¹

Staff Training

The principal will work with appropriate staff 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 use prevention education program. Training will be designed to meet the requirements of State Board Rules or state law.¹² 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.¹³

Community Involvement

The Principal will work with school staff and community members to design and implement a program to inform the community about substance use issues and the programs and supports provided by the school to educate students about the dangers of alcohol and drug use and to assist students who are abusing alcohol or drugs.¹⁴

Annual Report

In a standard format provided by the Vermont Department of Education, the principal and his or her designee will submit an annual report to the Commissioner of Education describing substance abuse and use prevention education programs and their effectiveness.¹⁵

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

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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.¹⁶

Prescription Drugs

The administration and use of prescription medicines within the school will be handled in accordance with the District's policy on medication.

Consequences for Violations of Policy

Students who are experiencing problems with alcohol and drugs are in need of assistance. A twofold approach, rehabilitation and discipline, provides an opportunity for both assistance and intervention to the individual student.

The Administration, in consultation with other appropriate school personnel and resources, shall develop a plan that includes both of these consequences. All disciplinary measures 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.

Rehabilitative Action

The rehabilitative action component requires the involvement of a substance use counseling program that provides evaluations and related services on an ability to pay fee scale and has the prior approval of the school administration. The student and the parent shall sign a release permitting the outside agency to provide information to the school administration regarding the evaluation and participation in the prescribed program. Additionally, the school will be provided with a copy of written recommendations prepared by the outside agency prescribing a plan for the student. Demonstrated proof of successful participation or planned participation will be a condition of continued attendance or reinstatement, if continued attendance or reinstatement is permitted under the consequences by the administration. A meeting with parents, the student, guidance counselor, and the principal will be held to review the above-mentioned plan. Following the completion of the plan and recommendations, an evaluation shall be conducted to determine if further assessment or counseling is required. Counseling sessions or other treatment resulting from intervention and/or referral is the financial responsibility of the student and his/her parent(s) or legal guardian.

Disciplinary Action

Sale or Distribution

A student found to have violated this policy by selling, supplying, giving, or otherwise transferring or attempting to sell, supply, give, or otherwise transfer or, a student who participates in any way in the sale, supply, or transfer, or attempted sale, supply, or transfer to any person any of the substances prohibited in this policy, or what the person represents or believes to be any of the substances prohibited in this policy, will be:

1. Suspended from school for 10 days, and the expulsion of the student will be recommended to the school board.
2. The school will notify appropriate law enforcement agencies.

Purchase or Procurement

A student found to have violated this policy by purchasing, or attempting to purchase or procure, or a student who participates in any way in the purchase or procurement or attempted purchase or procurement, of any of the substances prohibited in this policy, or a substance the person represents or believes to be any of the substances prohibited in this policy, will be:

First Offense:

1. Suspended from school for 10 days.
2. The student is subject to the consequences outlined in “Second Violation” of Possession or Under the Influence below.

Second and additional offenses:

A student found to have committed a subsequent violation of this section of the policy shall be:

1. Suspended from school for 10 days and the expulsion of the student will be recommended to the school board.
2. The school will notify appropriate law enforcement agencies.

Possession or Under the Influence

For a student found to have violated this policy by possessing, any of the substances prohibited in this policy or what the person represents or believes to be any of the substances prohibited in this policy; or a student found to be under the influence of any illegal drug, regulated substance, or alcohol product on school property, the consequences will be as follows:

A. First Violation:

- (1) Parents will be notified and the student sent home for the remainder of the day.
- (2) Meeting held with parent, student, administration, and other appropriate school personnel such as a guidance counselor to initiate rehabilitation requirements as described in part B., Rehabilitative Action.
- (3) Meeting held with parents, student, school personnel and administration, and a counselor from an outside agency to evaluate the student’s substance use. The focus of the meeting is the development of a plan to address the student’s substance use and dependency and ensure compliance with school policy.
- (4) If the rehabilitation requirements are not pursued, completed, or required information is not provided to the school, disciplinary action will be initiated including suspension and/or expulsion from school.

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B. Second Violation

- (1) Parents will be notified and the student sent home for the remainder of the day.
- (2) Meeting held with parent, student, administration, and other appropriate school personnel such as a guidance counselor to initiate rehabilitation requirements as described herein.
- (3) Meeting held with parents, student, administration, and other appropriate school personnel such as a guidance counselor, and a counselor from an outside agency to evaluate the student's substance use use. The focus of the meeting is the development of a plan to address the student's substance use and dependency and ensure compliance with school policy.
- (4) The student is required to follow the plan developed at the meeting. Follow-up meetings as required.
- (5) The principal may require the student to submit to periodic drug testing as both a component of the plan developed in paragraph (3) above, and as a tool to monitor compliance with paragraph (4) above.
- (6) If the plan is not followed, disciplinary action will be initiated including suspension and/or expulsion from school.

C. Third and Additional Violations

- (1) Parents will be notified and the student sent home for the remainder of the day.
- (2) The student will be suspended from school for 10 days and the expulsion of the student will be recommended to the school board.
- (3) In addition to the above, the school will notify appropriate law enforcement agencies.

Co-Curricular Activities

Students who violate this policy while they are participating or engaged in one of the school's co-curricular activities, are subject to additional disciplinary actions as defined by current school procedures or guidelines. Such disciplinary action shall be within the discretion, subject to review by the principal, of the coach or adult advisor. Any student who commits a second offense of this policy within the same season or activity period shall be ineligible to participate in or represent the school for the remainder of that season or activity period.

Observations and Referrals

The school administration will intervene in instances where any student(s) appear to possess, use, sell, give, supply, or otherwise transmit, or be under the influence of any illegal drug, regulated substance, alcohol or tobacco product on school property, or at any school-sponsored activity away from or within the school, or appear to have in their possession devices or paraphernalia

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specifically or reasonably associated with alcohol or drug use.

School personnel who observe abnormal or erratic behavior of a student, which may be associated with being under the influence or substance use, will notify the school Administration. It is the responsibility of the principal to observe the student or direct the student to the administrative office for further action.

In some instances, school personnel may observe over a period of time changes in the academic, social, or personal behavior of a student that may be related to substance use even though the student has not committed any known violation of this substance use policy. School personnel are encouraged to observe student behavior, which may signal a need for a referral to, and assessment by, a student assistance counselor or other appropriate school personnel. Staff members are not asked to label or diagnose student behavior, but rather to become aware and sensitive to problematic student behavior related to possible substance use.

When a student recognizes that he/she has a problem with substance use and chooses to address this problem, the school district will cooperate as fully as possible with this student. Provided that no known violation of school policy has occurred, a student who is self-referred will receive assistance and support with this problem. The school will seek to create a climate by which a student may seek and receive education, referral, and/or counseling relating to the substance use problem. This will be provided without consequence provided the following conditions exist:

- A) There is no imminent or apparent threat of harm to self or others;
- B) The student has been referred or self-referred, and not caught in violation of school policies or the law;
- C) A commitment is made to abstain from further substance use and to cooperate with a counseling plan;
- D) The student and his/her parent(s) or legal guardian assumes the cost of assessment and counseling.

	Date Warned	Date Adopted
Chittenden South Supervisory Union	5/2/2008	5/14/2008
Champlain Valley Union High School	5/2/2008	5/14/2008
Charlotte School District	5/28/2008	6/6/2008
Hinesburg School District	5/2/2008	5/14/2008
Shelburne School District	5/2/2008	5/14/2008
Williston School District	5/2/2008	5/14/2008

ⁱThis policy is required by 16 V.S.A. 1165(c) and SBE Rule 4212. The State Board rule requires that the policy include the elements contained in this model.

ⁱⁱ[2] Vermont State Board of Education Manual of Rules and Practices, Rule 4211

ⁱⁱⁱ[3] See definitions in 18 V.S.A. §4201; 41 U.S.C. §706(3); 21 U.S.C. §812.

^{iv}[4] 16 V.S.A. §131(9).

^v[5] SBE Rule 4212.2 requiring that education program be consistent with this Plan.

^{vi}[6] 20 U.S.C. §§7101 et seq.

^{vii}[7] SBE Rule 4212.3.

^{viii}[8] This paragraph is recommended, but not required.

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viii^[9] 18 V.S.A. §4226.

ix^[10] SBE Rule 4212.3D.

x^[11] SBE Rule 4212.3B.

xi^[12] SBE Rule 4213.2.

xii^[13] SBE Rule 4212.3C

xiii^[14] SBE Rule 4214 does not require this paragraph be included in the policy, though it does require that schools engage in community programs. This paragraph could be included in a procedure instead.

xiv^[15] SBE Rule 4215 does not require this paragraph be included in the policy, though it does require that the school's annual report include information on substance use education programs. This paragraph could be included in a procedure instead.

xv^[16] Section not required by statute, but recommended.

*Note: SBE Rule 4212.3B requires that each "...school district policy...establish procedures for administering first aid related to alcohol and drug use. The procedures will define the roles of the personnel involved."

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 (F5)

Co-Curricular Activities (F13)

Tobacco Prohibition (F3)
