

Policy JFCH: STUDENT ALCOHOL AND DRUG USE

Status: DRAFT

Original Adopted Date: 12/16/1999 | **Last Revised Date:** 03/16/2006

23D UPDATE EXPLANATION

MSBA has modified this policy to make it clear that students will not be allowed to possess, distribute, or use marijuana of any kind on district property or at a district activity.

There are several laws that prevent students from possessing, distributing, or using the substances covered in this policy. The possession, distribution, and use of marijuana is illegal under federal law. Further, under the Missouri Constitution, no person under 21 may possess recreational marijuana, and students who are unemancipated and younger than 18 are not allowed to possess medical marijuana even if they have a medical marijuana card. Public use of recreational marijuana is prohibited, and medical marijuana cannot be smoked in public.

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Definitions

Controlled Substances – Substances listed in schedules I, II, III, IV, and V of the federal Controlled Substances Act, 21 U.S.C. § 812. For the purposes of this policy, a controlled substance shall also include any controlled substance, counterfeit substance, or imitation controlled substance as defined in § 195.010, RSMo., and any chemical substances structurally similar to and treated as controlled substances under state law.

District Activity – Any activity, event, or function that is sponsored or approved by the district and where students are under district supervision, such as field trips or athletic events.

District Property – Any property owned or leased by the district, including any vehicle owned, leased, or used for district purposes, and any location where a district-sponsored or district-approved activity takes place.

Prohibited Substances – For the purposes of this policy, a prohibited substance shall include:

1. Alcohol
2. Controlled substances for which the student does not have a valid prescription.
3. Unauthorized inhalants.
4. Counterfeit or imitation controlled substances.
5. Marijuana or marijuana-infused products.
6. Any other illegal drug.
7. Any drug or medicine prohibited on district property by law or policy.
8. Substances intended to create a false negative on a drug test.

Prohibited Substances

The district is concerned with the health, welfare, and safety of its students. Therefore, the district prohibits individuals from manufacturing, using, selling, transferring, distributing, possessing, or being under the influence of prohibited substances on district property, at district activities, and in any district-owned or district-approved vehicle used to transport students to or from district activities. The use, sale, transfer, or possession of drug-related paraphernalia is also prohibited.

Marijuana

Because marijuana and marijuana-infused products are prohibited under federal law, the district does not permit their possession, use, or administration for medicinal or other purposes on district property or at district events even with a valid, Missouri-issued medical marijuana card.

Under the Influence

If there is evidence that a student is under the influence of a substance prohibited by this policy, the student may be removed from school or activities and may be disciplined depending on the circumstances. The student will be given an opportunity to explain the apparent impairment prior to being removed. The district may conduct student drug testing in accordance with policy JFCI.

Consequences

Students who violate this policy will be disciplined in accordance with the district's code of student conduct. In accordance with law, the district is required to immediately notify law enforcement when a student is in possession of a controlled substance and will also notify law enforcement when a student is in possession of any other illegal substance or illegal drug paraphernalia.

The board encourages the superintendent or designee to consider alternative discipline for students who are willing to seek treatment or counseling options. ~~The district is concerned with the health, welfare and safety of its students.~~

Therefore, use, sale, transfer, distribution, possession or being under the influence of unauthorized prescription drugs, alcohol, narcotic substances, unauthorized inhalants, controlled substances, illegal drugs, counterfeit substances and imitation controlled substances is prohibited on any district property, in any district-owned vehicle or in any other district-approved vehicle used to transport students to and from school or district activities. This prohibition also applies to any district-sponsored or district-approved activity, event or function, such as a field trip or athletic event, where students are under the supervision of the school district. The use, sale, transfer or possession of drug-related paraphernalia is also prohibited.

For the purpose of this policy a controlled substance shall include any controlled substance, counterfeit substance or imitation controlled substance as defined in the Narcotic Drug Act, § 195.010, RSMo., and in schedules I, II, III, IV and V in section 202(c) of the Controlled Substances Act, 21 U.S.C. § 812(c).

Students may only be in possession of medication as detailed in board policy JHCD. Searches of persons reasonably suspected to be in violation of this policy will be conducted in accordance with board policy.

Any student who is found by the administration to be in violation of this policy shall be referred for prosecution and subject to disciplinary action up to and including suspension, expulsion or other discipline in accordance with the district's discipline policy. Strict compliance is mandatory. The school principal shall immediately report all incidents involving a controlled substance to the appropriate local law enforcement agency and the superintendent. All controlled substances shall be turned over to local law enforcement.

Students with disabilities who violate this policy will be disciplined in accordance with policy JGE.

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

§§ 578.250-.265, RSMo.

Description

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§167.115, RSMo

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§167.117, RSMo

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§167.161, RSMo

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§167.171, RSMo

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§195.017, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§577.625, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§577.628, RSMo.

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

Mo. Const. art. XIV §§ 1-2

State Statute -
<https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

Federal References

Description

20 U.S.C. §§ 7102-7165

Safe and Drug-Free Schools and Community Act -
<https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==>

20 U.S.C. § 1400-1417

Individuals with Disabilities Education Act -
<https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==>

21 U.S.C. § 812(c)

Federal Statute -

<https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==>

21 U.S.C. §§ 841, 844, 860

Federal Statute -

<https://simbli.eboardsolutions.com/SU/666wN8lBMZ2BjHz5ZslshG8pQ==>

34 C.F.R. § 300.520

Federal Regulation -

<https://simbli.eboardsolutions.com/SU/aJX5mfZD1pluss1btjfsIshfEmXA==>

Cross References

GBEBA

Description

DRUG-FREE WORKPLACE -

<https://simbli.eboardsolutions.com/SU/qAIQZo1yslshWEBauWbprzhsQ==>

IGAEA

TEACHING ABOUT DRUGS, ALCOHOL AND TOBACCO -

<https://simbli.eboardsolutions.com/SU/EjLdLVixtpluseAd9hNpfdhqA==>

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