

January 2017

ADMINISTRATIVE MEMORANDUM NUMBER NINETY-FIVE
PROHIBITED SUBSTANCES

A. DEFINITIONS

1. Administrator refers to a school principal or assistant principal.
2. Controlled substance refers to a drug or some other substance, or an analog of a controlled substance, that is capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system or that is identified in the Utah Controlled Substances Act, Utah Code, 58-37-4 and 4.2.
3. Distribution (Utah Code, 53G-8-205) refers to the selling, sharing, or delivery of:
 - a. prohibited substances;
 - b. imitation prohibited substances, which by dosage, appearance (including color, shape, size, markings, and representations made) would lead a reasonable person to believe that the substance is a controlled substance;
 - c. and over-the-counter medications that alter student's psycho-social functioning as a result of taking more than the recommended dosage.
4. Intent to distribute refers to possession of a prohibited substance in excess of what a reasonable person would consider to be personal use or a prescribed daily dosage or a stated intent (verbal or written) to distribute.
5. Drug paraphernalia refers to equipment, products, and materials of any kind, including the constituent parts thereof, that are either designed for use or are intended for use in packaging, repackaging, processing, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body alcohol, any controlled substance, or other intoxicants, and more thoroughly described in Utah Code, 58-37a-3 and 4.
6. Possession refers to the joint or individual ownership, control, occupancy, holding, retaining, belonging, maintaining of a prohibited substance and as further defined in 58-37-2.
7. Prohibited substances refer to all substances that are legally restricted from school property including:

- a. all controlled substances identified in Utah Code, 58-37-3, with the exception of controlled substances legally prescribed for a patient by a physician or other qualified health care provider;
 - b. all tobacco products, including smokeless tobacco, and e-cigarettes or other forms of nicotine delivery;
 - c. all alcoholic beverages described to in Utah Code 32B-1-102;
 - d. all psychotoxic chemical solvents as defined in Utah Code, 76-10-107; and
 - e. all other products and substances capable of causing intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of introducing, by any method, the substance into the human body.
8. Use refers to the application, inhalation, swallowing, injection, or consumption of a prohibited substance and as further defined in Utah Code, 58-37-2.
 9. Tobacco products refer to all cigarettes (including menthol and cloves) and other tobacco products or nicotine delivery devices of any kind and in any form, including but not limited to chewing tobacco, pipes, cigars, smokeless tobacco, snuff, e-cigarettes, personal vaping devices, and hookahs.

B. PROHIBITIONS

1. Possession, sale, use, distribution, or being under the influence of any prohibited substance is strictly prohibited on all District property, during school hours, on the way to and from school, when students are being transported in school or private vehicles, and/or while attending or participating in any school supported, sponsored, or sanctioned activities consistent with this policy and Granite Board of Education Policy, Article VIII.B.7.A.
2. Sales of prohibited substances by Granite School District students or employees in locations away from the school that impact or do harm to persons associated with the school will subject the student(s) or employee(s) involved to disciplinary action regardless of time or place of the incident.
3. Medications may only be used by individuals to whom the medication was legally prescribed. Possession of prescription medications in excess of a prescribed daily dosage or possession of over-the-counter medications of a type, and in an amount, that would alter student's psycho-social functioning as a result of taking more than the recommended dosage is prohibited. Students must follow medication procedures outlined in Administrative Memorandum 53.
4. Use or possession of drug paraphernalia is also strictly prohibited.

C. PROCEDURES

Students enrolled in any District program found in violation of this policy are subject to the following procedures and potential disciplinary actions.

1. For any violation of this policy related to drugs or alcohol, school administrators shall complete the following procedures:

- a. Administrators shall complete a Granite District *"Safe and Drug Free Schools Incident and Offense Reporting Form."* The school shall maintain a copy of the form and deliver a copy to the parent/guardian of the student and to Prevention and Student Placement Department (uploaded to Discovery). Special Education Department shall also receive a copy if the student has a special education classification.
 - b. Administrators shall provide supporting documentation to the Prevention and Student Placement Department including an administrative narrative, witness statements, images, and current academic standing. These documents shall be uploaded to Discovery.
 - c. Administrators shall hold a conference with the student and the student's parent/guardian. The conference shall include completing a Student Support Form and discussing substance abuse prevention/intervention resources. The District shall provide translation services as needed. The District, however, will not be responsible for any expense or obligation resulting from disclosure, assessment, treatment, or counseling.
 - d. Administrators shall make an appropriate law enforcement referral.
 - e. Administrators shall determine if the student is receiving special education services or 504 accommodations and hold a Manifestation Determination hearing if a change of placement is being considered.
 - f. Administrators shall refer students with a 504 Plan to the Prevention and Student Placement Department.
 - g. Administrators shall refer students with an Individualized Education Plan (IEP) to the Special Education Safe School Coordinator. Consequences will be decided on a case-by-case basis in keeping with special education law, taking into consideration the standards detailed in the following section.
2. A school administrator shall follow additional procedures based on the number of infractions and the type(s).
- a. First violation of this policy shall include:
 - i. suspension for up to three days;
 - ii. consultation with counselor/social worker/psychologist;
 - iii. signed non-use contract completed with building administrator;
 - iv. Attendance at Granite School District's QUIT program within two months of the documented offense (Note: Failure to successfully complete the QUIT program may result in suspension by Prevention and Student Placement and may include placement in an alternative educational setting for up to 45 school days); and
 - v. the District's student support process will be utilized to provide additional student support.
 - b. Second violations of this policy shall include:
 - i. suspension by the Prevention and Student Placement Department or Special Education Department and placement in an alternative educational setting for up to 90 school days;
 - ii. counsel to parents/guardians to seek outside treatment; and
 - iii. if the student provides written evidence that an appropriate drug/alcohol rehabilitation program has been successfully completed during the placement, he/she will be eligible to return to the regular school setting at the beginning of the next full quarter/term.
 - c. Third and subsequent violations of this policy shall include:

- i. suspension by Prevention and Student Placement Department or Special Education Department and placement in an alternative educational setting for up to 180 school days;
 - ii. further counsel to parents/guardians to seek outside treatment; and
 - iii. if the student provides written evidence that an appropriate drug/alcohol rehabilitation program has been successfully completed during the placement, he/she will be eligible to return to the regular school setting at the beginning of the next full quarter/term.
3. Pursuant to Utah Code, 53G-8-205, consequence for selling or distributing drugs and alcohol shall include:
 - a. suspension administered by the Prevention and Student Placement Department or Special Education Department; and
 - b. alternative placement or expulsion for up to 180 school days.
4. Violations are cumulative for kindergarten through 12th grade. If a student does not commit any violations for a period of three calendar years (1,095 days), the violation count will reset, and for the next offense, the student will receive the consequences of a first violation only.
5. The District will recognize violations of prohibited substance policies committed by students in outside school districts, charter schools, or private schools and will consider them in determining the appropriate consequence for violations occurring within the District.
6. Other than reporting to the District offices for legitimate purposes and to attend school at the campus where a student is assigned for alternative placement, students that are suspended/expelled/assigned to an alternative educational placement under this policy are not allowed to be on any District property for any reason, including as a spectator of a school sponsored activity. Criminal trespass charges may be filed for prohibited presence on District property.
7. The District shall provide information to parents/guardians regarding potential resources for assessment, treatment, or counseling, but the District cannot be held responsible for any liability, expense, or obligation resulting from disclosure or services obtained.
8. Violations of this policy related to tobacco use are subject to separate procedures described as follows:
 - a. Use of or possession of tobacco products (as defined in section A.9) anywhere on District property is prohibited in accordance with the Utah Clean Air Act (Utah Code, 26-38-1 *et seq.*, Utah Admin. Code, R392-510) and is subject to criminal penalties under Utah Code, 76-10-105.
 - b. For violations by students 18 years of age or older, a law enforcement officer, including a school resource officer (SRO), will issue a Tobacco Citation and process it through the adult court.
 - c. For violations by students age 17 and younger, a school administrator or law enforcement officer, including an SRO, will issue a Tobacco Citation and forward a copy to the Prevention and Student Placement Department who will submit it to the juvenile court.

D. INVESTIGATIONS AND REPORTING

1. Whenever an educator has reason to suspect that a student has used, possessed, or distributed prohibited substances, the educator shall immediately report that suspicion to the school's designated administrator. An educator who makes such a report in good faith is immune from any civil or criminal liability under Utah Code, 53G-8-501 *et seq.* To the extent possible, educators' names shall be kept confidential.
2. Searches may be conducted by school officials according to the District's search and seizure policy (Granite Board of Education Policy, Article V.C.13). School lockers are the property of the District and can be searched at any time and for any or no reason. Students shall have no expectation of privacy in a locker or any other part of a facility owned by the District.
3. School administrators shall notify parents/guardians of the investigation.
4. Parents/guardians shall be informed of their right to appeal decisions made regarding each offense. Appeals will be heard by the District Safe Schools Committee.
5. The District shall not be held responsible for any liability, expense, or obligation incurred as a result of conducting an investigation triggered by a reasonable suspicion of a violation of this policy.

/s/

Dr. Martin Bates
Superintendent

REFERENCES:

Controlled Substances Act, 21 U.S.C. §801 *et seq.*
Alcoholic Beverage Control Act, Utah Code, 32B-1-102
School Discipline and Conduct Plans, Utah Code, 53G-8-205
Reporting of Prohibited Acts, Utah Code, 53G-8-501 *et seq.*
Utah Controlled Substances Act, Utah Code, 58-37-1, *et seq.*
Utah Drug Paraphernalia Act, Utah Code, 58-37a-1 *et seq.*
Imitation Controlled Substances Act, Utah Code, 58-37b-1 *et seq.*
Utah Criminal Code, Utah Code, 76-10-101 *et seq.*