

POLICY 5434
ALCOHOL AND OTHER DRUGS - STUDENTS

The District is committed to providing a school environment free of alcohol and drugs. These substances interfere with the learning environment and performance of students. For purposes of this policy, “drugs” include all controlled substances, inhalants covered under the state Uniform Controlled Substances Act and any other substance that alters perception or behavior reducing that individual’s ability to function appropriately in the academic environment. This prohibition does not apply to students who are using prescribed or over-the-counter medication according to district policy and guidelines.

The following actions are expressly prohibited by students on school property, on school buses, and at school sponsored activities:

1. Use or possession of alcoholic beverages, drugs or drug paraphernalia, or is suspected to be under the influence of alcoholic beverages or drugs.
2. Sale, delivery, manufacture, or intent to sell, deliver or manufacture alcohol, drugs or drug paraphernalia. Intent may be shown by evidence of the quantity and monetary value of the substance or materials possessed.
3. Use, possession, delivery, sale or intent to sell or deliver over-the-counter medication or other substances that is believed to be or is represented as a drug or alcohol regardless of the true nature of the substance. The intent to sell or deliver may be shown by evidence of the quantity and monetary value of above indicated substances.
4. Sale, delivery, or intent to sell or deliver prescription drugs. Intent may be shown by evidence of the quantity and/or monetary value of the substance or materials possessed.

Students who violate this policy will be referred to law enforcement officials and shall be subject to disciplinary action. School officials and teachers are not liable for referring students to law enforcement or for removing a student from school grounds or activities because of suspected alcohol or controlled substance possession, distribution, delivery, or consumption.

LEGAL REF.: Wisconsin Statutes Sections:

- 118.127 Peace officers’ records
- 118.257 Liability for referral to police
- 118.45 Student alcohol breath testing
- 120.13(1) School board powers: school government; suspension, expulsion
- 125.O2(8m) Definitions – “legal drinking age”
- 125.O37 Underage and intoxicated persons; presence on licensed premises
- 125.O9 General restriction

Chapter 961 State Controlled Substances Law

CROSS REF.: 5430 Student Conduct and Discipline
5473 Suspensions
5474 Student Expulsion
5475 Students with Disabilities
5534 Medication

AFFIRMED: August 13, 1991

REVISED: October 8, 1996
September 9, 1997
July 23, 2002
June 23, 2009
May 23, 2016

RULE 5434

ALCOHOL AND OTHER DRUGS - STUDENTS

1. Use or Possession of Alcoholic Beverages, Drugs or Drug Paraphernalia, or Suspected to be Under the Influence of Alcoholic Beverages or Drugs, or Inappropriate Use of Prescription Drugs

The principal/designee will remove students using, or in possession of alcohol, drugs (as defined by Board Policy) or drug paraphernalia, suspected to be under the influence of alcohol or drugs, or for inappropriate use of prescription drugs from contact with other students. The parent/guardian/caregiver will be contacted immediately by the principal/designee and the Office of Student Support will be notified. In the instance of any drug violation, the police will be notified by the principal/designee. The students may be referred to the Administrative Review Committee.

- In making a referral to the Administrative Review Committee, the building principal may present a signed Abeyance Request/Refusal form for first offense student violations. Through this process the student will have the opportunity to request that the Administrative Review Committee recommendation be held in abeyance while the student voluntarily completes a District alcohol or other drug abuse screening (AODA) education, counseling program and/or AODA assessment by a certified AODA counselor. AODA assessment and recommendations for treatments must be submitted within 60 days. Written proof of completion of the recommended treatment plan will be provided to the principal/designee within established timeframes. Failure to complete an AODA education, counseling program and/or AODA assessment as outlined above shall result in an Administrative Review Committee recommendation for expulsion consideration on the original policy violation.
- Subsequent violations of Policy 5434 shall result in referral to the Administrative Review Committee for expulsion consideration.
- When a student is suspected to be under the influence of alcohol, but the student denies alcohol use, the student may be required by a principal/designee to submit to an alcohol breath test to determine the presence of alcohol. A Wisconsin Department of Transportation approved screening device must be used by an authorized employee, agent or officer. The results of the test for the presence of alcohol or the fact that a student refuses to submit to required breath testing may be used in any hearing or proceeding regarding the discipline, of a student due to alcohol use.
- Under circumstances where a student denies alcohol use and a breath screening test is not used, the student may arrange an appropriate test to determine the presence of alcohol or provide other evidence explaining the behavior within three hours of the incident.
- When a student is suspected to be under the influence of drugs other than alcohol, but the student denies drug use, the student may arrange an appropriate test to determine the presence of other drugs or present other evidence explaining the behavior within 24 hours of the incident. All drug tests must follow the guidelines set forth by the District.
- In cases when a breath screening device is used or where student elected testing is chosen, no penalty will be imposed if testing is negative. If testing is positive or the student elects not to participate in the breath screening, the student will be subject to the procedures stated above.

2. Inappropriate Use or Possession of Over-The-Counter Medication or Other Substance and Believed to be or is Represented as a Drug or Alcohol Regardless of the True Nature of the Substance

The principal/designee will remove student using or possessing substances that are believed to be or are represented as a drug or alcohol, regardless of the nature of the substances, from contact with other students. The parent/guardian/caregiver will be contacted immediately by the principal/designee and the Student Support staff member will also be notified. Students may face a suspension from school up to three days with referral to the Administrative Review Committee for expulsion consideration.

- In making a referral to the Administrative Review committee, the building principal may present a signed Abeyance Request/Refusal form for first offense student violations. Through this process, a student will have the opportunity to request that the Administrative Review Committee recommendation process be held in abeyance while the student voluntarily completes a District alcohol or other drug abuse screening (AODA) education, counseling program and/or AODA assessment by a certified AODA counselor. AODA assessment and recommendations for treatment must be submitted within 60 calendar days. Written proof of AODA assessment and completion of the recommended treatment plan will be provided to the principal within established timeframes. Failure to complete an AODA education, counseling program and/or AODA assessment as outlined above shall result in an Administrative Review Committee recommendation for expulsion consideration on the original policy violation.
 - Subsequent violations of Policy 5434 shall result in referral to the Administrative Review Committee for expulsion consideration.
3. Sale, Delivery, Manufacture, or Intent to Sell, Deliver, or Manufacture Alcohol, Drugs (as defined by Board policy) or Drug Paraphernalia

The principal/designee will remove the student from contact with other students. Police will be notified by the principal/designee. The parent/guardian/caregiver will be contacted immediately by the principal/designee. Students may face suspension from school up to five days for delivery or intent to sell with referral to the Administrative Review Committee for expulsion consideration.

Sale, Delivery, or Intent to Sell or Deliver Over-The-Counter Medication or other Substances That is Believed to be or is Represented as a Drug or Alcohol Regardless of the True Nature of the Substance

The principal/designee will remove students from contact with other students. The parent/guardian/caregiver will be notified immediately by the principal/designee and the Student Support staff will also be notified. The police will be notified by the principal/designee. Students will face up to a five day suspension from school with referral to the Administrative Review Committee for expulsion consideration.

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4. Sale, Delivery or Intent to Sell or Deliver Prescription Drugs

Sale, delivery or intent to sell or deliver prescription drugs, will result in removal from contact with other students. The parent/guardian/caregiver will be contacted immediately by the principal/designee. The police will be notified by the principal/designee. Students will face a suspension from school up to five days with referral to the Administrative Review Committee for expulsion consideration.