

# Substance Use

## Statement of Policy

The Board of Education recognizes that every student should have the opportunity to learn in a school environment which is safe, conducive to the learning process, and free from unnecessary disruption. Certain prohibited substances can threaten safe school environments and alter a student's ability to properly reason and learn. The use, possession, influence, distribution, or sale of prohibited substances by students, staff, or visitors jeopardizes a safe school environment and constitutes a hazard to the welfare of students and faculty, in addition to being illegal under federal law and state law (Utah Code [58-37-8](#) and [58-37a-3](#)). The Board recognizes the benefits of helping students avoid and overcome substance abuse and intends that the District apply restorative practices before discipline that is strictly punitive.

## 1. Definitions

- 1.1. "Alcohol" refers to a chemical and a drug typically found in drinks such as beer, wine, vodka, and whiskey as well as other products. Alcohol includes alcoholic beverages and alcoholic products as defined in the Utah Alcoholic Beverage Control Act, UTAH CODE ANN. § 32B-1-102.
- 1.2. "Distribution" refers to giving or lending, even temporarily, or selling a prohibited substance to another as defined in the Utah Controlled Substances Act, UTAH CODE ANN. § 58-37-1 and the Imitation Controlled Substances Act, UTAH CODE ANN. § 58- 37b-1. Distribution encompasses the selling of a prohibited substance, but does not require an exchange of money, goods, or services. Any sharing of a prohibited substance, whether in exchange for something of value or not, constitutes distribution and is prohibited by this policy.

- 1.3. “Electronic Cigarette” refers to anything used in relation to vaping. As defined in UTAH CODE ANN. § 76-10-101, it means any electronic oral device that provides an aerosol or a vapor of nicotine or other substance; and which simulates smoking through the use or inhalation with the device or a component of the device.
- 1.4. “Illegal Drugs” refers to drugs that state or federal law prohibits a person from using, possessing, or distributing. As used in this policy, the term “drug” or “drugs” includes all drugs and controlled substances intended to affect the structure or function of the body, those defined in Utah Code Ann. § 58-37-2, and those listed in Schedules I through V of either the federal Controlled Substances Act or the Utah Controlled Substances Act.
- 1.5. “Imitation and Other Harmful Substances” refers to any harmful substances not otherwise defined in law or this policy. These include imitation controlled substances as defined in the Utah Imitation Controlled Substances Act, Utah Code Ann., Section 58-37b-1 et seq. These include psychotoxic chemical solvents, nitrous oxide, performance enhancing drugs, and any other substance that, when applied, ingested, injected, inhaled, or otherwise consumed with the intent to affect the structure or any function of the body; cause a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses; or in any manner change, distort, or disturb the aural, visual, or mental processes as defined by UTAH CODE ANN. § 76-10-107.
- 1.6. “Influence” refers to the state of a person affected by the application, inhalation, ingestion, injection, or consumption of a prohibited substance who is found on school or District property, including any vehicles, or at a school or District sponsored event.
- 1.7. “Nicotine” refers to a poisonous, nitrogen-containing chemical that is made synthetically or derived from tobacco or other plants, as defined in UTAH CODE ANN. § 76-10-101. It includes alternative nicotine products, nicotine-laced foods and beverages, and nontherapeutic nicotine products.

- 1.8. “Over-the-Counter Drugs” refers to drugs that have a currently accepted medical use and for which a prescription is not needed.
- 1.9. “Paraphernalia” refers to objects that have been or may be used in connection with a prohibited substance. As defined in the Utah Drug Paraphernalia Act, UTAH CODE ANN. § 58-37a-3, it includes any equipment, product, or material used or intended for use to store, contain, conceal, inject, ingest, inhale, or to otherwise introduce any prohibited substance into the body.
- 1.10. “Possession/Use” refers to the possession or use of a prohibited substance on the individual’s person, in a bag or container under the control of the person, or in the person’s desk, locker, vehicle, etc. As defined in UTAH CODE ANN. § 58-37-2, the terms “possession” and “use” both mean the shared or individual ownership, control, occupancy, holding, retaining, belonging, maintaining, or the application, inhalation, swallowing, injection, or consumption of a prohibited substance. A person may be found to have possessed or used a prohibited substance if it is found in a place or under circumstances indicating that the person had the ability and the intent to use or distribute it.
- 1.11. “Prescription Drug” refers to drugs for which a prescription is required as outlined in the federal Title 21 United States Code (USC) Controlled Substances Act. Examples include, but are not limited to, oxycodone, fentanyl, morphine, hydrocodone/codeine, cough suppressants, antibiotics, diet drugs, nonamphetamine stimulants, and long acting barbiturates.
- 1.12. “School” refers to the facility, property, or grounds owned or operated by Alpine School District. This includes any vehicle, regardless of ownership, on District property.
- 1.13. “Smoking” refers to the possession or use of any cigarette, pipe, cigar, e-cigarette, vaping device, or other smoking equipment, as defined in UTAH CODE ANN. § 76-10-101. Therefore, a person may be found to have smoked whether the person inhaled or not.

- 1.14. “Tobacco” refers to a product or substance made from a type of plant whose leaves have high levels of the chemical nicotine, including cigars, any roll of tobacco, any substance containing tobacco, cigarette, or tobacco paraphernalia as defined in Utah Code Ann. § 76-10-101.
- 1.15. “Vaping” is not defined in Utah law. As used in this policy it means the use of an electronic cigarette as defined in subsection 1.3.

## Board Approvals

- Board Approved: January 13, 1987; Updated: September 1989, January 2006, March 2013, June 2015
- Rewritten December 2020

# Procedures

## 1. General Provisions

- 1.1. Point of information: Effective July 2020, Utah Code § 76-10-104 requires that an individual must be 21 years old to purchase, possess, or use tobacco products, electronic cigarette products, and nicotine products. Likewise, effective July 2018, Utah Code § 32B-4-409 requires that an individual must be 21 years old to purchase, possess, or consume an alcoholic product.
- 1.2. The Board recognizes that new substances are continually being developed, marketed, and used in society. Many become available to students before laws and policies can address them by name, and many have multiple names and variations, making a comprehensive list not feasible. Therefore, the definitions and lists of prohibited substances in this policy are meant to be interpreted broadly to give District and school administrators wide latitude in addressing safety. The omission of a specific name, product, or substance from this policy does not remove an

administrator's ability to prohibit it or issue discipline under Alpine School District [Policy 5180](#) Discipline.

- 1.3. Any student to whom an over-the-counter or prescription drug is administered by the school must be in compliance with Alpine School District [Policy 5410](#), Dispensing Medication in School. Likewise, any student possessing an Epinephrine/Auto-Injector or prescription medication for asthma or diabetes must have all required forms completed and on file at the school. Failure to do so constitutes a violation of this policy.
- 1.4. Whenever a student receiving special education and related services under the Individuals with Disabilities Education Act or accommodations under Section 504 of the Rehabilitation Act of 1973 violates this policy, the student is still subject to discipline. However, discipline due process procedures prescribed by applicable state and federal laws and regulations shall be followed. See Alpine School District [Policy 5180](#).
- 1.5. Signage indicating the District is an environment free of alcohol, tobacco, and other illegal substances will be posted throughout the district at building entrances and other appropriate locations.
- 1.6. Students and parents/guardians will be notified of this Substance Use policy through student handbooks.

## 2. Disciplinary Action

- 2.1. Students are prohibited from using, possessing, being under the influence of, selling, or distributing the prohibited substances as defined in this policy and will be disciplined for any violation. Disciplinary action will be consistent with Alpine School District [Policy 5180](#) Discipline, and with the following provisions.
- 2.2. Administrators shall investigate reports, suspicion, and evidence of violations of this policy.

- 2.3. Alpine School District is committed to apply restorative practices before discipline that is strictly punitive. A process of tiered consequences as described in 2.5, shall be applied.
- 2.4. Students may be subject to suspension or expulsion for violation of this policy and will be afforded due process. School principals and assistant principals have the authority to suspend a student for up to ten (10) school days. Recommendations for a suspension beyond ten (10) school days must be determined at a District Administrative Hearing. The Board of Education may expel or suspend a student for a fixed or indefinite period of time.
- 2.5. Administrators shall consult the [Substance Use Violation Protocols](#) when considering appropriate restorative and disciplinary action for students found to have violated this policy. Discipline shall be issued in accordance with the recommended actions listed in the protocols unless a mitigating circumstance exists, in which case an administrator may adjust the discipline accordingly.
- 2.6. Mitigating circumstances may include the student's age and maturity, remorse, addiction, physical or mental illness or disability, role in the offense, personal or home circumstances, willingness to seek help, the type and amount of the substance involved, the intent of the student, and lack of cooperation with school officials.
- 2.7. A school employee who discovers a prohibited substance or paraphernalia on school property or in the possession of a student shall immediately confiscate and deliver the items and the student to the building administrator.
- 2.8. A school administrator shall dispose of or destroy an electronic cigarette product confiscated on school property or at a school-sponsored event. The administrator may release a confiscated electronic cigarette product to a school resource officer or local law enforcement to dispose of or destroy safely if preferred.
  - 2.8.1. If the administrator has a reasonable suspicion that it contains an illegal substance, it should be released to local law enforcement.

- 2.9. Administrators should provide a continuum of intervention strategies such as school counseling services, parent/student conferences, behavior contracts, and drug treatment programs at every level of discipline for violations of this policy. Such intervention strategies should be in conjunction with the [Substance Use Violation Protocols](#).

## Board Approvals

- September 12, 1989; Updated: February 2006, June 2015
- Rewritten December 2020

# Rules & Regulations

No rules & regulations have been established at this time.