

The Board of Education (“Board”) for the Pojoaque Valley School District (“District”) realizes that substance abuse among the school age population remains high as reflected in national statistics. Substance abuse by students can seriously injure the health of students, adversely impair their academic and athletic performance, and endanger the safety and wellbeing of District employees, other students, and members of the community. To reduce the significant harm to individuals and the community caused by substance abuse among students, the board is committed to the enforcement of policies furthering drug free schools.

1. Federal Funding Requirements. This policy is adopted in accordance with the Safe and Drug-Free Schools and Communities Act, as amended, for receipt of federal program funds.

2. Substance Abuse Prohibited. Substance abuse on school premises and during school programs is prohibited.

3. Definitions. The following definitions are used in this policy:

(a) **"Substance abuse"** means the unauthorized possession, distribution, dispensing, manufacture, sale, or use or being under the influence of controlled substances that are identified in Schedules I through V of Section 202 of the Controlled Substances Act, 21 USC, Statute 812 (United States Code, Title XXI, Chapter 13) or its implementing regulations, 21 CFR Sections 1308.11 to 1308.15 where the use is neither authorized by law nor a valid prescription, or the misuse of a legal substance, including but not limited to prescription drugs, that may affect an individual's ability to perform his or her job, including attendance and learning, in a safe, adequate and secure manner. Substance abuse also shall include the unauthorized use or possession of, or being under the influence of, alcohol or alcoholic beverages, tobacco products, including but not limited to nicotine gum, nicotine patches, electronic cigarettes, and imitation controlled substances as defined in NMSA 1978, § 30-31A-1 or other look-alike drugs in the workplace, on school premises, during school programs, or while on school business and includes drug paraphernalia as defined in NMSA 1978 Section 30-31-2 of the New Mexico Controlled Substances Act.

(b) **“Controlled substances”** means any drug or substance identified in Schedules I through IV of the Controlled Substances Act or its implementing regulations and includes, but is not limited to, marijuana, barbiturates, anabolic steroids, cocaine (including crack), amphetamines, methamphetamines or “meth”, heroin, PCP, hallucinogens, and certain prescription drugs.

(c) **"School premises"** means any school building and any school property or drug free school zone as defined on NMSA 1978 §§ 30-31-1, et seq., any school-owned vehicles and any other school-approved vehicle used to transport students to and from school activities or for school business.

(d) **“School programs”** means any school sponsored or approved activity, event or function, on or off school premises where students are under the jurisdiction of the District; or during any period of time students are supervised by school employees.

4. Use of Authorized Prescriptions and Drugs. Authorized prescription drugs and "over the counter" legal drugs may be used by a student, provided that the student's use and possession of the authorized prescription or drug complies with Policy 356.

5. Discipline. Any student who violates the terms of this policy may be disciplined pursuant to Policy 336. Students who participate in extracurricular activities shall also be subject to additional penalties including expulsion or suspension from such activities. In addition, or alternatively, a student may be required to participate in and satisfactorily complete a drug abuse assistance or rehabilitation program approved by the District at the student's expense.

6. Reasonable Suspicion. A school principal or his/her designee may require a student to submit to a search of his or her person or possessions if the principal or his/her designee reasonably suspects that the student's behavior may be affected or impaired by substances abuse.

(a) "Reasonable suspicion" means reasonable belief, based upon observations made during, just preceding or just after the period of the day during which this policy applies, that the individual behavior, speech, body odor, or appearance of the employee are indicative of substance abuse. Circumstances that give rise to reasonable suspicion of substance abuse may include, but are not limited to:

(i) Observed use, possession or sale of illegal drugs and/or use, possession sale or abuse of alcohol, and/or the illegal use or sale of prescription drugs and/or use, possession use, or sale of drug paraphernalia;

(ii) Apparent physical state of impairment of motor functions;

(iii) Marked changes in personal behavior not attributable to other factors;

(iv) Student involvement in or contribution to an accident where the use of alcohol or drugs is reasonably suspected or student involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury;

(v) Violations of criminal drug law statutes, involving the use of illegal drugs, alcohol, or prescription drugs and/or violation of drug statutes.

(b) Written Record. A written record shall be made of the observations giving rise to the principal or his/her designee's reasonable suspicion of substance abuse. The school official who made the observations shall sign, date and record the approximate time of the observed conduct on the written record.

7. Student Assistance Programs

(a) Health Risks. The District is committed to providing a safe learning environment for its students. Substance abuse affects student performance, conduct and ability to

learn and complete assigned tasks. Substance abuse can lead to early behavioral and psychosocial problems. Substance abuse is a nondiscriminatory, progressive illness, which typically begins by experimentation, continues due to misinterpreted behavioral standards, and may result in addiction. Addiction to alcohol and/or illicit drugs will debilitate the total wellness of the individual and interfere with his or her ability to carry out even simple tasks. Descendants of a blood relative with a history of alcohol or substance abuse are at greatest risk of becoming addicted. There is no safe level of chemical use during pregnancy and research indicates that use prior to conception by either partner can affect the infant. For complete information concerning the health risks resulting from use and/or abuse of alcohol and other substances, students are encouraged to contact the District's counseling personnel.

(b) Student Assistance Team. The District can play an important role in preventing and resolving student substance abuse by (1) providing students an opportunity, with appropriate assistance, to discontinue their substance abuse; (2) providing educational materials to students on these issues; (3) assisting teachers and administrators in confronting students who have performance and/or conduct problems and making referrals to appropriate treatment and rehabilitative facilities; and (4) following up with individuals during the rehabilitative period to track their progress and encourage successful completion of the program. Accordingly, the principal of each school shall establish and oversee the work of an interdisciplinary referral and assessment team for students ("Student Assistance Team"). The function of this team is to make the members available to students to discuss concerns students may have with regard to substance abuse issues, to intervene and guide students (within the limits of members' professional competence), and to make referrals to other resources (internal and external). The team shall consist of employee who possess a degree of expertise or training in substance abuse counseling and treatment. Members of the Student Assistance Team may include District employees and/or professional consultants.

(c) Voluntary Referrals. The District strongly encourages students to seek substance abuse assistance voluntarily. Information regarding an student who voluntarily refers himself/herself to the Student Assistance Team will be treated as confidential information under applicable state and federal laws. Voluntary referrals will be taken into consideration in determining the disciplinary consequences for violation of this policy.

8. Educational Programs.

(a) The superintendent shall arrange for periodic (at least annually) training and education in the dangers and risks to physical and mental health, economic welfare, and civil status from the use of illicit drugs, and legal drugs, including alcohol and tobacco products.

(b) The superintendent or designee will post notices regarding the drug-free schools and campuses on major bulletin boards at each school site and administrative building and will likewise post notices in prominent areas frequented by students on all school sites.

(i) This notice will include the following:

A. Prohibition of the unlawful use of controlled substances and

misuse of legal substances, including alcohol, and tobacco products, such as cigarettes, nicotine gum, nicotine patches, and electronic cigarettes.

B. Description of health risks associated with substance abuse.

C. Description of the functions and procedures of the Student Assistance Team as well as any other therapeutic resources available.

D. An assurance that confidentiality will be maintained in compliance with federal and state laws.

E. Description of the disciplinary actions and the conditions and circumstances for their application

(c) This policy shall be included with the orientation package of materials for each student. The principal of each school will distribute the policy to each student under his/her supervision and will maintain records signed by the student's parent or guardian substantiating this distribution and stating that compliance with the policy is mandatory.

9. Confidentiality and Due Process. Students and their parents or guardians are assured that every effort will be taken to protect their confidentiality pursuant to state and federal laws. Actions taken against students in enforcement of this policy shall comply with such hearing or due process procedures as may be required by District policy or state and federal laws.

10. Policy Review. A biennial review of this policy shall be conducted to determine its effectiveness, to implement changes as needed, and to ensure that disciplinary sanctions are consistently enforced.