

REGULATION JICH

Las Cruces Public Schools

Related Entries: JICH, JI, JI-R, JICF, JICF-R, JKD, JKD-R, JK, JK-R
Responsible Office: Associate Superintendent for Instruction

ALCOHOL, TOBACCO, AND OTHER DRUGS

I. PURPOSE

To outline general legal requirements and administrative procedures governing Las Cruces Public Schools substance abuse policies and programs for students; and to outline specific procedures on such matters as education, intervention, support, and discipline, including suspension and expulsion, for alcohol, tobacco, or other drug use, possession, sale, or distribution on school locations, for all students in grades pre-kindergarten through 12.

II. BACKGROUND

LCPS recognizes that illegal drug and alcohol use and abuse are harmful to the individual and to the schools. It is the school district's philosophy to educate students about the detrimental effects of alcohol and drugs and to deter their use and possession.

III. DEFINITIONS

1. *"Graduated sanction"* means increasing severity of punishment for offenders with repeat offenses.
2. *"Suspension"* means the temporary removal of a student from ongoing instruction at the school site. The following do not constitute formal suspension:
 - a. Reassignment to another educational program or class at the same school; or
 - b. Removal from the class, but without reassignment to another class or program, for the remainder of the class period without sending the student to the principal or principal's designee for appropriate action.
3. *"Expulsion"* means the removal of a student from his/her home school either permanently or for an indefinite time period exceeding 10 school days.
4. *"Suspended expulsion"* means setting aside an expulsion contingent upon the student fulfilling certain conditions. Upon recommendation of the Hearing Authority, a student whose expulsion is suspended may be assigned to an alternative school.

5. *“Alcohol”* means any liquor, wine, beer, or other beverage containing ethyl alcohol.
6. *“Drugs”* means all drugs, whose possession of which is illegal under federal or state law, including: intoxicating inhalants; prescription and non-prescription; over-the-counter medications used, possessed, or distributed for unauthorized purposes; and counterfeit or look-alike substances.
7. *“Controlled/prohibited substance”* means alcohol, tobacco, or other drug whose possession and use are legally restricted by law.
8. *“Tobacco product”* means any manufactured product containing tobacco or nicotine, including but not limited to cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, dipping tobacco, dissolvable tobacco products and electronic/vapor cigarette cartridges. However, *tobacco product* does not include any product that has been approved by the U.S. Food and Drug Administration, pursuant to its authority over drugs and devices, for sale as a tobacco use cessation product or for other medical purposes and is being marketed and sold solely for that approved purpose.
9. *“Possession of a controlled/prohibited substance”* means custody or control of a controlled/prohibited substance (for example, on one’s person, vehicle, one’s personal belonging, lockers, assigned desk or other personal space).
10. *Distribution* means the delivering, selling, offering, arranging, conspiring to or negotiating to give or sell a controlled/prohibited substance to another person who is not legally entitled to that substance; or possessing an amount of a controlled/prohibited substance determined to be more than for personal use.
11. *“Over-the-counter drug”* means non-prescription drugs whose use is controlled on school campuses by district policy and procedures.
12. *“Tobacco/Drug paraphernalia”* means all equipment, products, and materials of any kind which are intended or designed for use in compounding, processing, preparing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled substance
13. *“Reasonable suspicion”* means specific observable facts that can be described and that indicate a particular student is in the possession of or has used tobacco, alcohol, or drugs on or adjacent to school property or at school- sponsored activities.
14. *“Performance enhancing substances”* means the possession, use, and abuse of androgenic/anabolic steroids and other performance-enhancing substances by students.

15. “*School location*” means school buildings; school grounds; school activities or trip destinations; bus stops; school buses or school vehicles; school contracted vehicles; the area of entrance or departure from school premises or events; and all school-related function settings.
16. “*Federal Drug-Free School Zone*” means the area within the distance of 1,000 feet of any real property that is owned, rented, or leased to LCPS or on a school bus.
17. “*Class III Citation*” means a custody/referral citation issued to students by law enforcement for violations of specific LCPS policy and regulations.

III. IMPLEMENTATION

- A. Each school principal is responsible for ensuring a copy or summary of LCPS Policy/Regulation JICH Alcohol, Tobacco, and Other Drugs is included or a summary is distributed annually to parent/guardians and students at the beginning of the school year, such as through handbooks, the LCPS Family & Student Handbook or the LCPS/school website.
- B. A teacher or other staff member or employee shall immediately notify the principal of aggrieved site of any suspected possession, use, provision, or sale of alcohol, tobacco, or other drugs on school district property or at any activity or location under jurisdiction of the school.
- C. The superintendent shall enforce, monitor, and evaluate school district programs and procedures related to alcohol, tobacco, and other drugs.

V. PENALTIES AND GUIDELINES FOR DISCIPLINE PROCEDURES

- A. Enforcement
 1. All discipline related to violations of school district policies regarding the use of alcohol, tobacco, and other drugs will be consistent district-wide for all students in grades pre-kindergarten-12. All enforcement will be progressive and will apply to all incidents that occur on campus or during activities under the jurisdiction of the school.
 2. LCPS shall maintain records of all student policy violations. When multiple violations occur within three years, disciplinary actions will be progressive.
 3. A Class III may be issued upon each violation of the policy regarding the use of alcohol, tobacco, and other drugs. Suspension sanctions for the use of drug paraphernalia and tobacco/nicotine offenses shall be calculated separately from suspension sanctions for the use of other controlled substances. Copies of the Class IIIs will be distributed as follows: original to law enforcement, one copy to parent, one copy for

school site to be placed in student's disciplinary file.

B. Distribution or Intent of Distribution of a Controlled/Prohibited Substance

1. Distribution or intent of distribution of a controlled/prohibited substance by a student is considered a felony and shall be reported by LCPS staff to the appropriate law enforcement agency. A Class III may be issued.
2. A distribution violation shall authorize school officials to seek a one-year, long-term suspension.
3. If it is necessary for law enforcement officials to arrest or take custody of a student, administrators shall follow school district procedures as outlined in LCPS Policy and Regulation *JIH and JIH-R: Student Interrogations, Searches, and Arrests*.
4. Any and all drugs, paraphernalia and illegal substances confiscated from a student confiscated shall be relinquished to the appropriate law enforcement agency as quickly as possible after its confiscation.

C. Tobacco

1. Possession or use of any tobacco product by a minor child is illegal under New Mexico law.
2. The school principal shall mandate disciplinary action against any students in grades pre-kindergarten through 12 when there is reasonable suspicion to believe that the student has violated the prohibition of tobacco products or use of tobacco on school grounds or sanctioned school activities.
3. Reasonable suspicion shall include but not be limited to such factors as the smell of tobacco on a student's breath and/or visual evidence of tobacco products on the student's person or in his/her possession (vehicle, locker, desk and clothing).
4. The parent/guardian shall be contacted immediately upon verification of the offense.
5. Student may be suspended for up to 10 days, at the discretion of the school principal or his/her designee; and

D. Use or Possession of Alcohol or Drugs

The principal shall mandate disciplinary action against any students in grades prekindergarten-12 when there is reasonable suspicion to believe that the student has violated the prohibition of LCPS Policy JICH against possession or use of alcohol, illegal drugs or mind-altering substances. Possession for the

purpose of delivering or selling to others will result in severe discipline.

1. Elementary School (Grades Pre-K-5)

a. First Offense for Use or Possession

- i. Parent/guardian shall be contacted immediately upon verification of the offense;
- ii. The student shall be suspended up to five days, at the discretion of the principal or his/her designee;
- iii. Law enforcement or Children Youth and Families Department (CYFD) shall be contacted, and, if appropriate, a Class III issued;

b. Multiple Offenses for Use or Possession

- i. Parent/guardian contacted immediately upon verification of the offense;
- ii. The student may be suspended for up to 10 days at the discretion of the principal or his or her designee;
- iii. Law enforcement or CYFD shall be contacted, and, if appropriate, a Class III issued.
- iv. For continuous violations, a long-term suspension hearing may be pursued by the principal or designee.

2. Middle and High Schools (Grades 6-12)

a. First Offense for Use or Possession

- i. Parent/guardian shall be contacted immediately upon verification of the offense;
- ii. The student shall be suspended up to five days, at the discretion of the principal or his/her designee;
- iii. Law enforcement or CYFD shall be contacted, and if appropriate a Class III will be issued.
- iv. Student must attend a mandatory District insight drug intervention class or may be subject to a long-term suspension.
- v. The Insight Group will be held every Tuesday and Thursday, during the school year, from 4:30pm - 6:00pm during a six-week period. Tuesday's are dedicated for Middle School students and Thursday's for High School Students. A new group will start every

six weeks for both grade levels. The Insight Group will be held at Crossroads located at 411 North Armijo Street. Facilitator will be on duty from 4:15 to 6:15 for early arrivals or late pick-ups.

- vi. Principals will notify the LCPS Federal Programs Office in writing (use JICH-E1) of any student who needs to be added to the next available class. Once the student is added to a mandatory class, the parents of the student will be notified in writing of times and dates of the class. Each group will not have more than 12 students.
 - vii. Failure to attend classes or continued absences will be eligible for long-term suspension. Recommendation for long-term suspension is the responsibility of the building principal.
 - viii. Students can choose to seek profession help from a private, licensed provider as an alternative to the Insight Group. Proof of completion must be provided to all parties concerned.
 - ix. All participating students will receive a Completion Certificate. A copy of this certificate will be added to their school file.
 - x. All students will be given a Drug/Alcohol Test (SASSI) during the first day of class. Students are required to sign in and out for each class during the six-week schedule. All LCPS rules and policies will be enforced to include dress codes.
- b. Second or Subsequent Offenses for Use
- i. Parent/guardian shall be contacted immediately upon verification of the offense;
 - ii. The student may be suspended for up to 10 days;
 - iii. Law enforcement or CYFD shall be contacted, and, if appropriate, a Class III issued.
 - iv. Students shall be suspended for up to one year. Students who are long-term suspended are not guaranteed placement in the LCPS alternative school. If no space is available, the student will not be allowed to attend any school within LCPS.

3. Extra-Curricular Activities

Students involved in extra-curricular activities, which are governed by the New Mexico Activities Association (NMAA) and/or LCPS, may be subject to additional consequences. Eligible students shall follow the guidelines outlined by the NMAA and/or in the LCPS Athletic Handbook;

and/or LCPS policies and regulations approved by the LCPS Board of Education.



Approved, Deputy Superintendent

Sept. 28, 2014

Date

Legal Reference: 6.12.4.8 NMAC, 20 U.S.C. 6083, 30-31-22 NMAC (1978)

Procedure History: Procedure 366.1-366.4; revised 01.17.06, 09.15.09, 08.11.10, 02.24.12; 08.12.13

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