School Policies: Alcohol, Tobacco, and Other Drugs

Utah Law and Best Practices

Utah State Board of Education

Agenda

- Utah Law and Regulation
- Best Practices and Resources

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Utah Law and Regulation

E-Cigarette Confiscation & Disposal

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Utah Code Annotated (UCA) 53G-8-203(4): Conduct and Discipline Policies and Procedures

Each LEA shall adopt a policy for responding to the possession or use of electronic cigarette products by a student on school property.

The policy shall:

- Prohibit students from possessing or using electronic cigarette products on school property.
- Include policies or procedures for the confiscation or surrender of electronic cigarette products.
- Require a school administrator or designee to dispose or destroy a confiscated electronic cigarette product.

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UCA 53G-8-203(4)(c): Conduct and Discipline Policies and Procedures

A confiscated cigarette MAY be released to local law enforcement if…:

- Local law enforcement requests that the confiscated electronic cigarette product be released to local law enforcement as part of an investigation or action.

AND

- Local law enforcement requests that the confiscated electronic cigarette product be released to local law enforcement as part of an investigation or action.

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R277-615-4(1): Standards and Procedures for Student Searches

An LEA shall update the LEA's policy for searching students for controlled substances and weapons to include provisions related to searching for electronic cigarette products.

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Utah Admin Code R315-260, 261, 262

Under Utah law, both nicotine and lithium-ion batteries must be properly disposed of as hazardous waste.

- For details on how to properly dispose of electronic cigarettes, visit:
  - Department of Environmental Quality

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Utah Law and Regulation (2)

Policies and Reporting: Alcohol, Tobacco, Illicit Drugs

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UCA 53G-8-209(2) Prohibited Conduct-Reporting of Violations

Local school boards and charter school governing boards shall adopt rules or policies…that apply to both students and staff:

Shall include prohibitions while in the classroom, on school property, during school sponsored activities:

- The illicit use, possession, or distribution of:
  - A controlled substance or drug paraphernalia.
  - A tobacco product, an electronic cigarette, or a nicotine product.
  - An alcoholic beverage.

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UCA 53G-8-209(3): Prohibited Conduct-Reporting of Violations

School employees who reasonably believe that a violation may have occurred shall immediately report that belief to the school principal, district superintendent, or chief administrative officer of a charter school.

Principals who receive a report shall:

- Submit a report of the alleged incident and actions taken in response to the district's superintendent or designee within 10 days after receiving the report.

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UCA 53G-8-510: Notification of an Offense Committed by a Student on School Grounds

Employee Responsibility: Staff must report any suspected student offense occurring on school property during school hours or at a school-sponsored activity to the principal.

Principal Responsibilities:
The principal must notify:

- The district (superintendent of designee) per UCA 53G-8-209. Notification of other personnel is at the principal's discretion.
- The student's parent or guardian.

If allowed or required under UCA 53G-8-211, law enforcement may be notified.

Confidentiality: The reporting employee's identity must remain confidential and may only be shared with law enforcement if needed for an investigation or prosecution.

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Utah Code 53G-8-211(3):Responses to School-based Behavior

If a student has committed a status offense (e.g., tobacco use) or class c misdemeanor (e.g., intoxication on school grounds) the student shall be referred to an evidence-based alternative intervention, including:

- A mobile crisis outreach team
- A youth services center
- A certified youth court or comparable restorative justice program
- Evidence-based alternative intervention created and developed by the school or school district
- An evidence-based alternative intervention that is jointly created and developed by a local education agency, the state board, the juvenile court, local counties and municipalities, or the Department of Health and Human Services
- A tobacco cessation or education program, if the offense is tobacco/nicotine/electronic cigarette related

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UCA 53G-8-211(3) Responses to School-based Behavior

If a student refuses to participate in an intervention listed on the previous slide, the student shall be referred to the Division of Juvenile Justice Services (DJJYS) for prevention and early intervention youth services.

UCA 53G-8-211(4) Responses to School-based Behavior

If a student has committed a status offense (e.g. tobacco use) or class c misdemeanor (e.g. intoxication) on school property, the student may be referred to a law enforcement off cer/agency or court only if:

- The student committed an offense on school property on a previous occasion;

  AND

- The student was referred to an evidence-based alternative intervention or to prevention and early intervention youth services for the previous offense.

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UCA 53G-8-211(8) Responses to School-based Behavior

If referring a student to court due to a status o7 ense or class c misdemeanor, the school must:

- Appoint a school representative (not SRO) to stay connected with the student and family throughout the court process.

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UCA 53G-8-211(8) - (2) Responses to School-based Behavior

Referrals must include:

- The student's attendance records.
- A report of evidence-based alternatives used by the school before the referral.
- The name and contact information of the school representative assigned to stay connected to the student and family.
- If applicable, documentation from the Division of Juvenile Justice and Youth Services demonstrating that the student failed to participate in or complete the services.
- Any other information the district or school considers relevant.

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UCA 53G-8-211(9)(a) Responses to School-based Behavior

If the alleged offense committed on school property is a class B misdemeanor (e.g., possession of drug paraphernalia) or class A misdemeanor, the school may:

- Refer the student directly to court.

OR

- An evidence-based alternative intervention. (See slide 12.)

For additional guidance, visit: Utah Department of Criminal Justice

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UCA 53G-8-211(9)(b) Responses to School-based Behavior

A school shall refer a student directly to court if:

- The student is alleged to have committed a drug possession offense on school property;

  AND

- The student has allegedly committed a drug possession offense on school property on at least two other previous occasions.

  Drug possession offense: unlawfully possessing or using a controlled substance or controlled substance analog as described in Utah Code Section 76-18-207.

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Utah Law and Regulation (3)

Grounds for Suspension or Expulsion

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UCA 53G-8-205(1)(2)

Grounds for suspension or expulsion from a public school:

Shall be suspended or expelled:

- The sale, control, or distribution of a drug or controlled substance, an imitation controlled substance or drug paraphernalia.

May be suspended or expelled:

- Possession, control or use of an alcoholic beverage.

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Utah Law and Regulation (4)

Distribution of Policies

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UCA 53G-8-204(2): Distribution of Policies

- A copy of the school's discipline and conduct policy must be distributed to each student upon enrollment in the school.
- A copy of the policy must be posted in a prominent location in each school.
- Any significant change in the policy must be distributed to each student and posted in a prominent location.

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Best Practices and Resources

Alcohol, Tobacco, and Other Drugs Policy Violation Interventions

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Alternatives to Suspension/Expulsion

Research shows that suspension/expulsion is likely to have a negative impact on student achievement.

Alternatives to suspension listed in UCA 53G-8-211:

- A youth services center
- A youth court or comparable restorative justice program
- Evidence-based* interventions created and developed by the school or school district
- Other evidence-based* interventions that may be created and developed by a local education agency, the state board, the juvenile court, local counties and municipalities, or the Department of Health and Human Services

*As defined in this section of code, *evidence-based* can also mean a program or practice that has been created by the school or district and has been approved by the state board.

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Juvenile Justice Prevention and Intervention Youth Services

- Substance Use Disorder (SUD) treatment
- Individual therapy
- Family therapy
- Community skill-building groups

Contact: Department of Health Juvenile Justice & Youth Services

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Restorative Justice Program

A school-based program or a program used or adopted by a local education agency that is designed:

- To enhance school safety, reduce school suspensions
- Limit referrals to law enforcement agencies and courts
- To help minors take responsibility for and repair harmful behavior that occurs in school

(Utah Code Section 53G-8-211)

To receive training from USBE staff in accountability practices or restorative practices, please submit a request through the Utah State Board of Education Learning Portal.

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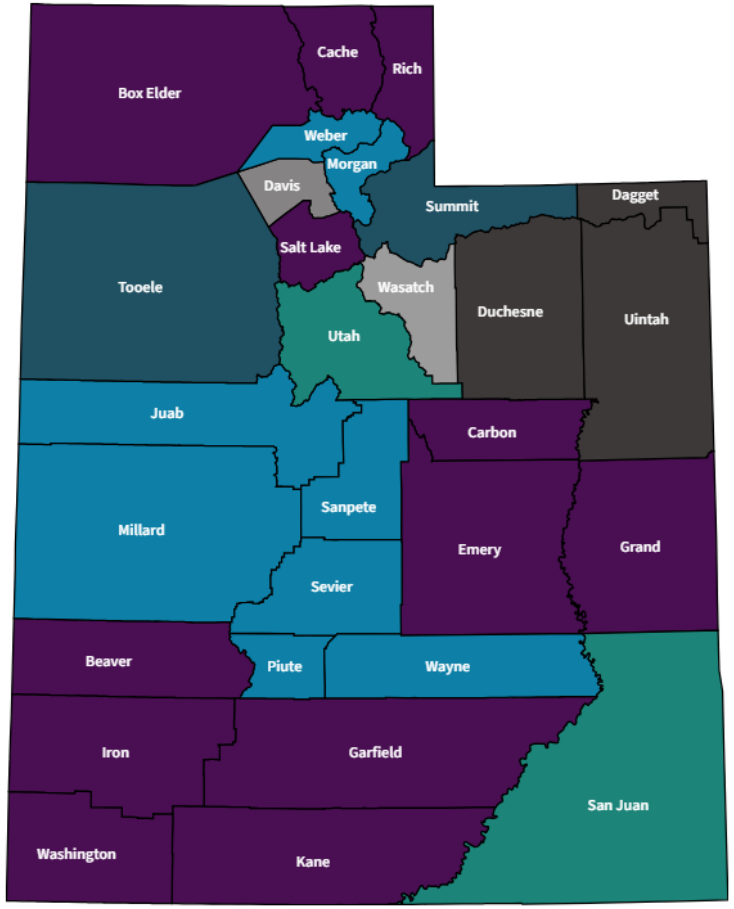
Youth Courts

“The purpose of the youth court is to provide an alternative to juvenile court for first-time minor offenders. The youth court system follows the restorative model of justice, which emphasizes the beliefs of repairing harm done to victims as well as providing youth with the resources to make better decisions in the future.”

Source: Utah Youth Court Association

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Local Substance Abuse Area Authority
Local Health Department



- Classes for students and families
- Policy creation assistance
- Other opportunities to collaborate

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Evidence-Based Program Directories

- Blueprints for Healthy Youth Development
- Crime Solutions (National Institute of Justice)
- Model Programs Guide (Office of Juvenile Justice & Delinquency Prevention)
- Program Directory Search (youth.gov)
- What Works Clearinghouse (Institute of Education Sciences)

Select Programs

- Utah State Board of Education Substance Use Prevention Resources Website
- Best Practices and Resources Library Alcohol, Tobacco, and Electronic Cigarette Prevention and Cessation Interventions

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Motivational Interviewing: An Evidence-based Technique

"A collaborative, goal-oriented style of communication with particular attention to the language of change. It is designed to strengthen the personal motivation for and commitment to a specific goal by eliciting and exploring the person's own reasons for change within an atmosphere of acceptance and compassion."
-William Miller and Stephen Rolnick

Spirit of Motivational Interviewing:

- Partnership
- Acceptance
- Compassion
- Evoke change talk

Motivational Interviewing Core Skills:

- Open-ended questions
- Affirmations
- Reflections
- Summaries

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Policy Creation Resources

- Utah Department of Health and Human Services: Comprehensive Drug-Free Policy Guide for Schools
- Electronic Cigarettes Search and Seizure Model Policy
- Utah School District policy examples:
  - Alpine School District
  - Canyons School District

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Questions?

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