

## STUDENT PERSONNEL

Series 400

POLICY TITLE... ALCOHOL/CHEMICAL/DRUG USE Code No. 443.4

The Burlington Area School District has a strong and long standing commitment to discourage and prevent the use of illegal drugs, chemicals, and alcohol among its student population. The School District recognizes that the problem of illegal drugs, chemicals, and alcohol abuse presents a continuing challenge in its schools and a clear danger to the student population.

The goal of the **School** Board is to help students with potential or real dependency problems by providing education and assistance to any student displaying signs of harmful involvement. The use, possession, transfer or being under the influence of illegal drugs, chemicals or alcohol in or on school property or at school-sponsored events is prohibited. Accordingly, the **School** Board directs the District Administration to implement a plan to combat and discourage the illegal use of drugs, chemicals, and alcohol while protecting the health, safety, and well being of all students.

Date of Adoption:  
August 8, 2005  
Reviewed:  
May 12, 2008

Legal Reference: Code of WI  
Section 120.13

Student Personnel  
Series 400

ADMINISTRATIVE REGULATION TITLE  
STUDENT DRUG/ALCOHOL PROCEDURE

Code No. R- 443.4

The purpose of the Burlington Area School District's drug and alcohol procedure is "to help students with potential or real dependency problems by providing education and assistance to any student displaying the signs of harmful involvement." Administrative procedure states that "the use, possession, transfer, or being under the influence of illegal drugs, chemicals or alcohol in or on school property or at school-sponsored events" is prohibited. "Under the influence of" is defined as having any amount of a prohibited substance in one's system.

The following fundamental statements apply to enforce this procedure:

1. All chemical-related violations of administrative procedure by students will have a suspension as a consequence. Any suspension, will be at least three days in school or out of school, and will result in the student being restricted from attending or participating in all school-related activities during the time of the suspension.
2. Parents will be informed and made aware of any incident regarding the use or possession of alcohol or drugs involving their son or daughter.
3. Incidents of being under the influence, possession, or transfer of any chemical will be referred to police authorities.

TRANSFER AND/OR POSSESSION OF ALCOHOL/CHEMICALS AND/OR BEING UNDER THE INFLUENCE OF ALCOHOL/CHEMICALS

The following steps will be considered regarding a student who transfers or is in the possession of alcohol/chemicals and/or is under the influence of alcohol/chemicals.

1. Police notification.
2. Parent notification
3. Automatic three-day suspension.
4. Pre-expulsion hearing (see procedures listed below).
5. Possible recommendation to the School Board for an expulsion hearing.

MULTIPLE OFFENSES

Students involved in multiple offenses involving alcohol/chemicals will be subject to the following consequences:

1. Police notification
2. Parent notification
3. Automatic minimum five-day suspension.
4. Loss of social privileges for ninety calendar days.
5. Pre-expulsion hearing
6. Possible expulsion recommendation to the School Board.
7. Possible other consequences in loss of privileges, community service, research activities/presentations, and/or other programs deemed appropriate by the building administrator.

## CONFIDENTIALITY

No record of a student's participation in the Student Assistance Program will become part of the permanent record.

## PRESCRIPTION MEDICATIONS

Prescription medications are exceptions to this procedure when used by the individual for whom they were prescribed, and in the manner and amount prescribed. Unless recommended differently by a physician, or state law, these medications must be kept with the health aide.

## STUDENT ASSISTANCE PROGRAM

A Chemical Concerns Support Group will be available at the high school. The group will be facilitated by the Burlington High School Student Assistance Program Coordinator and is designed to educate and support the student participants in regards to their chemical/alcohol issue.

## ASSESSMENT

It is recognized that a basic premise in helping students must be an assessment of the problem. Initial assessment may be conducted by trained school staff members or when it is determined by school officials that a more extensive, in-depth assessment is necessary, the student and his/her parents will be referred for the student to be assessed by a state licensed alcohol and other drug treatment provider.

The student shall be required to follow the treatment recommendations made in the assessment by the licensed assessment counselor. In the event the student does not follow through with his/her responsibility, appropriate steps will be taken by the building administrator, including possible suspension and/or an expulsion due to failure to meet the conditions of the expulsion order.

On the basis of the assessment the following courses of action may be recommended:

- A. No reason for immediate concern; no chemical problem.
- B. Continued one-to-one involvement with the resource person or counselor.
- C. Continual involvement with the resource person and group experience.
- D. Referral for outside evaluation.
- E. Inpatient treatment (with intervention).
- F. Outpatient treatment (with intervention).
- G. Involvement in Alcoholics Anonymous, Alanon, Alateen, Narcotics Anonymous.

Note: Alcohol and Other Drug Abuse (A.O.D.A.) assessments must be completed by a trained, licensed AODA therapist.

These recommendations shall be sent to the building principal of the school, and the student shall follow the recommendations of the treatment provider. The building principal and the Burlington Area School District shall be authorized by the student's parents/guardians to receive information about the recommendation made by the treatment provider and shall additionally be authorized to monitor the student's participation in the program and the student's observance of the treatment program mandates. Failure to follow the treatment program and its mandates is a violation of school rules, which can subject the student to **School** Board discipline as provided above.

## PRE-EXPULSION PROCEDURES

### Purpose:

A pre-expulsion hearing will be held in every situation that could lead to an expulsion. The best interests of the student body, the staff, and the student who is the subject of the hearing will be the focus of this process. The administrative team, led by the Superintendent or designee, will determine if the student should be brought forward to the School Board for an expulsion hearing, based on the determination of whether or not the student engaged in:

- Conduct that endangered the property, health or safety of others at school or under the supervision of a school authority, OR
- Repeated conduct at school or under the supervision of a school authority that disrupted the ability of school authorities to maintain order or an educational atmosphere at school or at an activity.

### Participants:

The hearing will include the Superintendent/designee, building administrator(s), student, parents(s)/guardian(s)/student advocate, AODA counselor if warranted, and the police liaison officer if the police liaison officer was involved in an investigation of the student or incident(s).

### Process:

1. The building administrator will contact the Superintendent when a student has committed any expellable offense, based on established school district policies. The student will be suspended at that time and a pre-expulsion meeting will be scheduled.
2. The Superintendent or designee will convene the meeting, begin the introductions. Notes will be taken at the meeting.
3. At the meeting, the building administrator will present information relative to the procedure violation, including the details of what occurred, statements that were taken, witnesses that provided corroboration, investigations conducted by the school administrators and/or school resource officer, etc.
4. After the administrative presentation the student and/or parent(s)/guardian(s) will present information relative to the procedure violation including the details of what occurred and any other statements that may provide further details of the procedure violation.
5. The Superintendent will ask the student the following questions:
  - Did you violate the procedure?
  - Were you aware of the school's rules and consequences for breaking these rules?
  - Are the facts that were presented by the administration correct? Anything you want to add or change?
  - Are there any statements that you or your parent/guardian would like to make regarding this situation and the reason for your being here today?
  - Has the student violated this procedure or other school policies before? If yes, what were the consequences for the student?
  - Are there other factors that should be considered in making a decision as to whether or not to recommend this student to the School Board for expulsion?

6. An open discussion will be held among the administration, student, and parents(s)/guardian(s). Effort will be made to establish consensus regarding the details of the event and the resulting consequences of the event. Possible consequences, including placement in AODA programs, student assistance programs, anger management programs, counseling, etc.
7. The student, parent(s)/guardian(s) and police liaison officer will be excused from the meeting while the Superintendent and building level administrator determine the resolution (i.e.: expulsion hearing, alternative program placement, etc.)
8. The Superintendent and two administrators will share with the student and parent(s)/guardian(s) the outcome of the group's decision.
9. If the administrative group determines the student should be brought forward to the School Board for expulsion, the student will be suspended pending the outcome of the expulsion hearing, the Superintendent will schedule an expulsion hearing with the School Board, the building administrator will compile the necessary documentation for the expulsion hearing, and the building administrator will comply with state laws regarding notifications. If the student has an identified disability, a manifestation hearing must be held.
10. If the administrative group determines not to take the student forward for expulsion, the Superintendent will send a letter to the student and parent(s)/guardian(s) confirming the decision of the group regarding consequences and notifying the student that failure to adhere to the consequences as outlined or repeated violation of school district procedure will lead to an expulsion hearing before the School Board.
11. A timely report of any hearings held under this procedure will be reported to the School Board in a manner which does not divulge personally identifiable information.

#### PROCEDURES TO BE FOLLOWED WHEN IT IS ALLEGED THAT A STUDENT IS UNDER THE INFLUENCE OF AN ALCOHOL/CHEMICAL

- I. Student Admits
  - A. Student drug/alcohol procedure applied.
- II. Denies
  - A. A building administrator and a minimum of one additional staff member will determine if reasonable suspicion exists that the student is under the influence of a chemical. A behavioral checklist will be used.
  - B. If at this point the student admits use, he/she will be given the same options noted under number 1 above.
  - C. If the student still denies:
    1. The student will be given a five-day suspension to be held in abeyance until the investigation is completed.
    2. The student will be given the option of urinalysis or breath alcohol test by a certified lab or law enforcement to prove innocence. Until the results are certified, the suspension will be held in abeyance.

3. If the urinalysis or breath alcohol test is negative, there will be no penalty.
4. If the urinalysis or breath alcohol test is positive, the student drug alcohol procedure will be applied

## SEARCH & SEIZURE PROCEDURE

To maintain order and discipline in the schools and to protect the health, safety, and welfare of students and school personnel, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this procedure, the term “unauthorized” means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.

A student’s failure to permit searches and seizures as provided in this procedure will be considered grounds for disciplinary action.

Student desks and lockers are the property of the school, and school officials reserve the right to search desks and lockers. Whenever possible, the administration will advise students in advance of the search. A general search of lockers or desks may be conducted to repossess school property or to locate illegal materials. The student’s individual right to privacy and freedom from unreasonable search and seizure is balanced by the school’s responsibility to protect the health, safety, and welfare of all persons within the school community. Should illegal materials be found during a search, law enforcement officials should be notified.

### Personal Searches:

A student’s person and/or personal effects (e.g. purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials or has violated or is about to violate the law or a school rule. Authorized searches of the student’s person are:

1. The student’s pockets;
2. Purses, briefcases, book bag, or any other object in the possession of the student;
3. Removal of an article of exterior clothing such as a jacket.

### Locker Searches:

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant.

### Automobile Searches:

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be

inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

#### Seizure of Illegal Materials:

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

### GUIDELINES FOR SUBSTANCE ABUSE TESTING

1. Testing will be done under conditions established by a certified drug testing facility. Examples: Burlington Memorial Hospital and/or Burlington Clinic.
2. The testing will be an analysis for any illegal or illicit chemicals and/or alcohol.
3. The purpose of the testing is to allow the student to substantiate his/her claimed innocence when school authorities have determined there is reasonable suspicion that an illegal/illicit alcohol/chemical has been used.
4. This is an optional procedure. Students under the age of 18 must have parent permission.
5. The results of the testing will be submitted to the building administrator or designee.
6. The testing will be administered as soon as possible after reasonable suspicion is determined. Ideally, this will be within one hour. However, if the time lapse is greater than one hour, the testing will still be completed if deemed appropriate by the building administrator.
7. The parent(s) and school officials will make arrangements to transport the student to the clinic or hospital.

## **EXTRA-CURRICULAR CODE OF CONDUCT/STUDENT ELIGIBILITY REGULATIONS**

### **PHILOSOPHY**

The Burlington High School athletic/activities program is built around the philosophy that a dynamic program of student activities is vital to the educational, social and emotional development of the student. And as such, participation in athletic activities is encouraged for all students. The Burlington athletic/activities program will provide a variety of experiences that will foster an environment of inclusion for all students and aid in the development of favorable habits and attitudes in students that will prepare them for adult life. In this regard, the Burlington athletic/activities program's policies, procedures and coaching philosophies will help foster a climate of inclusion and the development of the student athlete first and foremost. The athletic/activities program will function as an integral part of the total curriculum. It will offer opportunities for all students to serve the school community, to assist in the development of fellowship and good will, to promote self-realization and all around growth, and to encourage the qualities of good citizenship.

Athletics/Activities play an important part in the life of a Burlington High School student as these student athletes will learn lessons in sportsmanship, responsibility, teamwork, cooperation, and winning or losing with dignity. Through participation in athletics/activities, a healthy self-concept as well as a healthy body can be developed. Athletics/Activities add to Burlington school spirit and help all students, spectators and participants develop pride in their school community. The athletic/activities program shall be conducted in accordance with existing Board of Education policies, rules and regulations. Such participation is a privilege that carries with it responsibilities to the school, to the activity, to the student body, to the community, and to the student-athletes themselves.

Burlington High School embraces the concepts of the student athlete and recognizes the importance of the individuality of each student. Burlington High School also recognizes the value of the conference structure, and the benefits or membership in a local, state, or national association.

Burlington High School pursues the following goals for student athletes:

1. Accept the responsibility to become an effective, contributing member of society.
2. Perform as a positive role model on campus, and in the wider community.
3. Fulfill academic responsibilities while progressing to meet the requirements for graduation, and preparing oneself for life after high school.
4. Maintain eligibility for participation in every athletic contest or activity that students chose to participate in.

## **ACADEMIC AND ATTENDANCE REQUIREMENTS TO MAINTAIN ELIGIBILITY ACADEMIC**

In order to be academically eligible for extra-curricular activities, a student must be a fulltime student as defined as follows:

- Students must take 3 credits per semester

In addition, students must maintain a minimum grade point average of 1.67 quarterly (Quarter 1 – Nov. 4, Quarter 2 – Jan. 23, Quarter 3 – Apr. 4, Quarter 4 – June 9), have received no more than one failing grade (including incompletes), and have no unresolved/unexcused or truant absences for the school year. Burlington High School must be responsible for 100% of school programming to be considered a full-time student. Parents/guardians will be notified of ineligibility by one of the school administrators as soon as the student becomes ineligible.

Grades to determine eligibility will be based on quarter grades (grading periods).

- Eligibility for summer and fall sports will be based on grades earned in the fourth (4<sup>th</sup>) quarter of the previous spring marking period.
- Summer School grades will be considered part of the 4<sup>th</sup> quarter and 2<sup>nd</sup> semester grades if a student attends Summer School in an attempt to regain academic eligibility.
- Grades will be reviewed at the end of the appropriate period

Academic ineligibility will be for 20 consecutively scheduled school days; however, a student who is ineligible may not return to competition until the school day **following** the completion of the ineligibility period. Academic ineligibility will go into effect on dates predetermined by the current school year calendar. Ineligibility is defined as not being allowed to participate in games/meets. Students will be allowed to attend and participate in practice unless otherwise specifically stated.

A student may be reinstated after 20 school days when the student secures written proof to show evidence that the student is meeting the criteria described above. Written proof is a completed “Academic Goal Progress Report Form.” The “Academic Goal Progress Report Form” is available in the Activities Office. The athlete must secure written verification from all teachers and submit the form to the Activities Director one school day before reinstatement can occur. Mid-quarter grades will be used only for determining whether a student can regain eligibility, but not to declare a student ineligible. If a student does **NOT** regain eligibility after the 20 day period of time, s/he will, additionally, not be allowed to **PRACTICE** for the remainder of the term during which ineligibility occurs.

A student regains eligibility immediately if incompletes are made up within ten (10) school days after the eligibility date. The Activities Director must be able to determine through information gathered from the teacher that all work has been appropriately completed. If ineligibility is due only to the incomplete grade, the student will regain eligibility as soon as the Activities Director can verify the grade.

A student may erase ineligibility status following the last grade-reporting period of the school year through summer school courses provided the school gives credit toward graduation requirements for such courses and counts them in rank-in-class standings. The student must successfully complete not less than the same number of courses that caused the ineligibility.

## **ACTIVITIES CODE VIOLATIONS – CATEGORY I**

### **First Violation**

Students violating the Activities Code will be declared ineligible for a period of 50% of the games played in a regular season. Any games or events within the WIAA State Tournament series will not be counted with regular season games/events to determine the length of the eligibility period.

### **Second Violation**

Students violating the Activities Code for a second time will be declared ineligible for the total number of games of the current season. If the student is not playing a sport at the time of violation, the next season in which the student plays will be used to determine the length of the suspension. Ineligibility carries over to the next season if a student is not able to serve the entire suspension within the current season. Any games or events within the WIAA State Tournament series will not be counted with regular season games/events to determine the length of the eligibility period.

### **Third Violation**

Students violating the Activities Code for a third time will be declared ineligible for the remainder of their high school career.

## **ACTIVITIES CODE VIOLATIONS – CATEGORY IIA**

### **First Violation**

Students violating the Activities Code will be declared ineligible for a period of 50% of the scheduled performances of the activity. No exceptions will be made for students in leading roles.

### **Second Violation**

Students violating the Activities Code for a second time will be suspended from ALL performances. No exceptions will be made for students in leading roles.

### **Third Violation**

Students violating the Activities Code for a third time will be declared ineligible for the remainder of their high school career.

## **ACTIVITIES CODE VIOLATIONS –CATEGORY IIB**

### **First Violation**

Students violating the Activities Code will be declared ineligible for a period of 45 school days.

### **Second Violation**

Students violating the Activities Code will be declared ineligible for a period of 90 school days.

### **Third Violation**

Students violating the Activities Code for a third time will be declared ineligible for the remainder of their high school career.

## **ACTIVITIES CODE VIOLATIONS –CATEGORY IIC**

### **First Violation**

Students violating the Activities Code will be declared ineligible for a period of 45

### **Second Violation**

Students violating the Activities Code will be declared ineligible for a period of 90 school days.

### **Third Violation**

Students violating the Activities Code for a third time will be declared ineligible for the remainder of their high school career.

## **ACTIVITIES CODE VIOLATIONS – ADDITIONAL PENALTIES FOR VIOLATIONS INVOLVING ALCOHOL, TOBACCO, CONTROLLED SUBSTANCES, AND PERFORMANCE-ENHANCING DRUGS**

In addition to the penalties as described above, any student who violates any portion of the Activities Code dealing with alcohol, tobacco, controlled substances, or performance-enhancing drugs will also be subject to the following requirements:

### **First Violation**

The student must meet with the Student Assistance Program (SAP) for an interview and will be required to successfully complete a prescribed school-sponsored program prior to regaining eligibility.

### **OR**

At the parent/guardians' cost, the student may choose to contact an approved, licensed non-school AODA counseling agency for an assessment, and must attend and finish any prescribed program prior to regaining eligibility. Successful completion must be documented with a letter from the agency to the Activities Director.

### **Second Violation**

The student and his/her parents/guardians must meet with a representative of the school administration and the AODA Coordinator to establish the procedures by which the student will complete the steps listed below at the parent/guardians' cost:

- a. Complete an AODA assessment at an approved, licensed non-school AODA agency.
- b. Cooperatively participate in the recommended program.
- c. Successfully complete the treatment program.
- d. Agree to a behavioral contract between the student, school administration, and a representative of the AODA agency as a condition of regaining athletic eligibility.

### **Athletic Code Third Violations Leading to Permanent Suspension**

A student who has been declared ineligible for the remainder of his/her high school career as a result of a third violation in any category may appeal to the Activities Council for probationary eligibility after a suspension period of one hundred (100) school days if the following conditions are met:

- a. Submits to at least three random drug and alcohol screenings no less than twenty (20) days apart at the expense of the parents/guardians and written results are shared with the Activities Director ***if the violation was related to alcohol, tobacco, controlled substances or performance-enhancing drugs;***
- b. Maintains academic eligibility throughout the ineligibility period;
- c. Maintains an attendance record free of truancies or unexcused/unresolved absences.
- d. Maintains a behavioral record without disciplinary suspensions during the ineligibility period.

If, after a suspension period of **one hundred (100) school days**, all of the conditions in items a. through d. above have been successfully completed, the parents/guardians of the student may submit a written request for probationary eligibility, with all necessary documentation attached, to the Activities Director. The Activities Director will then review all of the documentation presented to determine if the necessary conditions have been satisfactorily met, and, if so, will institute a probationary eligibility period for the remainder of the student's high school career with the following provisions. The student must:

- a. Attend all scheduled practices/games/events or receive prior approval of the Activities Director if a legitimate absence is necessary;
- b. Remain academically eligible;
- c. Remain free of unexcused/unresolved absences and trancies;
- d. Remain in good standing with no further Activities Code violations.

If the student, while on probationary eligibility, violates one of the above provisions, s/he will be declared immediately ineligible for the remainder of his/her high school career with no chance for appeal or subsequent requests for probationary eligibility.

## **APPEALS PROCESS**

Decisions regarding **disciplinary action** taken against any student by the Activities Director **for a breach of the Activities Code** may be appealed by a parent/guardian to the Activities Council. The Activities Council is comprised of the assistant high school principal, one (1) out-of-season head or assistant coach/advisor, and one (1) non-coach/advisor teacher from the high school. The following procedures must be used for the appeal:

If the parents/guardians or the student believe that an alleged offense did not occur, that there are extenuating circumstances regarding the violation, or that the sanction imposed by school authorities is unjust, the parents/guardians may appeal in writing to the Building Principal, within five (5) calendar days of the receipt of the suspension letter from school authorities. The letter of appeal must detail all of the facts pertaining to the incident, a list of witnesses, signed witness statements, an explanation of any extenuating circumstances surrounding the violation, and the specific remedy requested through the appeal. The student will remain ineligible throughout the entire appeal process.

Within three (3) calendar days of receipt of the hearing request, the Principal will contact the parents/guardians to establish a hearing date for the appeal to be held within ten (10) calendar days of the receipt of the written appeal.

In addition to the Activities Council, the following individuals shall be present at the hearing: the student, his/her parent(s)/guardians(s), legal or other representative (if the appellant so desires), and the Activities Director. No other individuals will be present at the hearing, and all matters discussed at the hearing will remain confidential.

During the hearing, the student and his/her parent(s)/guardian(s) will have an opportunity to speak and to present any evidence on his/her behalf. Witnesses may be called, but they must remain outside the Hearing Room until they are called and must leave immediately upon giving testimony. The Activities Director will present pertinent verbal and written statements gathered as a result of his/her investigation leading to the suspension, and may also present witnesses, if necessary.

Upon conclusion of the hearing, the Activities Council will go into closed session to deliberate regarding whether to sustain, reverse, or decrease the length of the suspension. All votes of the Council will be taken as confidential, written votes, and will not be disclosed to the appealing parties. The Activities Council will render their decision in writing to the appealing parties, but the Chair of the Council may also

verbally relay the results to the appealing parties after the conclusion of the closed session at the request of the Appellants.

If the parents/guardians feel that the appeal **process** has not been followed, a request for a review of the **process** may be made to the District Superintendent. However, the Superintendent will **not** review the facts or merits of the decision. A review of the process must be requested in writing within seven (7) calendar days of the date on which the Council decision was rendered, and must identify the specific actions or failures to act that are the basis for the appeal.

The Superintendent will review the process and render a decision in writing within seven (7) calendar days. The decision of the Superintendent is final.

Date of Adoption:  
August 14, 1989

Legal Reference: Code of WI  
Section 120.13

Date of Implementation: Effective Immediately

Amended:

October 14, 1991

Adopted:

February 10, 1997

Revised:

January 13, 1997

Revised:

August 10, 1998

Revised:

August 2005

Adopted:

August 8, 2005

Revised:

September 23, 2005

Revised:

October 24, 2005

Reviewed:

May 12, 2008