

School Policies: Alcohol, Tobacco, and Other Drugs

Utah Law and Best Practices

Agenda

- Utah Law and Regulation
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Utah Law and Regulation

E-Cigarette Confiscation & Disposal

Utah Code Annotated (UCA) 53G-8-203(3): 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

UCA 53G-8-203(3)(c): Conduct and Discipline Policies and Procedures

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

- The school official has reasonable suspicion that the confiscated electronic cigarette product contains an illegal substance;
- **AND**
- Local law enforcement requests that the confiscated electronic cigarette product be released to local law enforcement as part of an investigation or action.

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.

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:
 - <https://deq.utah.gov/waste-management-and-radiation-control/proper-disposal-of-e-cigarette-waste>

Utah Law and Regulation

Policies and Reporting: Alcohol, Tobacco, Illicit Drugs

UCA 53G-8-209(2)(3): 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.

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.

UCA 53G-8-502: Mandatory Reporting of Prohibited Acts

If an educator has reasonable cause to believe that a student at the public school where the educator is employed has committed a prohibited act, he shall immediately report that to the school's designated educator.

Definitions (UCA 53G-8-501):

- **Educator:** A person employed by a public school, but excludes those employed by institutions of higher education
- **Prohibited act:** An act prohibited by UCA 53G-8-602, relating to **alcohol**, UCA 58-37-8; relating to **controlled substances**; or UCA sections 58-37a-5, relating to **drug paraphernalia**

UCA 53G-8-503: Reporting Procedure

- The principal shall appoint one educator as the “designated educator” to make all reports
- The designated educator, upon receiving a report of a prohibited act shall immediately report the violation to the student’s parent, and may report the violation to an appropriate law enforcement agency or official in accordance with UCA 53G-8-211 (discussed on slide 12)
- The designated educator may not disclose to the student or parent the identity of the educator who made the initial report

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

If a student has committed a status offense (tobacco use) or class c misdemeanor (consuming liquor in a public place or intoxication) the student shall be referred to evidence-based alternative interventions, 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

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 may 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 (tobacco use) or class c misdemeanor (consuming liquor in public place or intoxication) on school property, **the student may be referred to a law enforcement officer/agency or court only if:**

- The student committed the same infraction on a previous occasion;

AND

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

Utah Law and Regulation

Grounds for Suspension or Expulsion

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.

Utah Law and Regulation

Distribution of Policies

UCA 53G-8-204: 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

Best Practices and Resources

Alcohol, Tobacco, and Other Drugs Policy Violation Interventions

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

Juvenile Justice Prevention and Intervention Youth Services

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

Contact: <https://jjys.utah.gov/contact>

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

(UCA 53G-8-211)

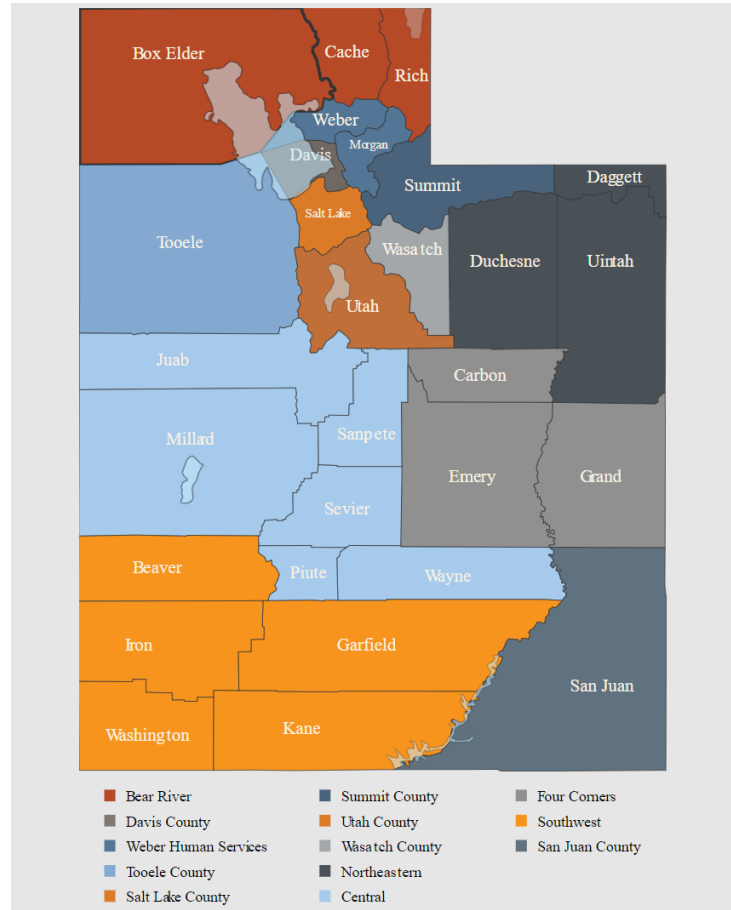
To receive training from USBE staff in restorative practices, please submit a request through the [Student Services Training Request Portal \(TRP\)](#).

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: <http://www.utahyouthcourts.com/about-us.html>

Local Substance Abuse Area Authority Local Health Department



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

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

USBE Substance Use Prevention Resources Website:

[Best Practices and Resources Library Alcohol, Tobacco, and Electronic Cigarette Prevention and Cessation Interventions](#)

Progressive Discipline

Disciplinary procedures increase with each violation during a school year and may include (in no specific order):

- Evidence-based prevention education
- Referral to cessation services
- Revocation of privileges
- Exclusion from extracurricular activities
- Conference with student
- Conference with student and parent/guardian
- Required school or community service

Source: https://tobaccofree.utah.gov/wp-content/uploads/2023/05/FY23_School_Resource_Guide.pdf

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

Policy Creation Resources

- [School Resource Guide: Utah Comprehensive Tobacco-Free Policy Toolkit](#)
- [Model Health and Wellness Policy](#)
- [Search and Seizure Model Policy-Electronic Cigarettes](#)
- Utah School District policy examples:
 - [Alpine School District](#)
 - [Canyons School District](#)

Questions?

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