



## **Merit Student Tobacco, Alcohol, Drug, and Safe Environment Policy**

### **STATEMENT OF INTENT**

The Merit Preparatory Academy Board recognizes that the use, possession, distribution or sale of tobacco, alcohol, drugs, and/or other similarly hazardous substances, or drug paraphernalia constitutes a hazard to the welfare of students and faculty, and is illegal under the laws of the State of Utah. It is the Board's responsibility to adopt policies and procedures which will minimize the hazard and danger caused by the presence of these substances or devices in the schools or at any school sponsored functions.

The Board believes that tobacco, alcohol, and drug prevention programs are effective in providing students with the opportunity to build social skills and enhance self concepts as well as providing information on the harmful effects of tobacco, alcohol and drugs. Prevention curricula can assist students with the necessary skills needed for decision-making (toward a more healthy lifestyle, including the prevention of misuse and abuse of tobacco, alcohol and other drugs).

The Board supports programs that coordinate the cooperation between school and parent in attempting to prevent problems of drug abuse and supports programs that assist parents in seeking outside professional help from public or private educational and rehabilitative programs.

### **STATEMENT OF ALCOHOL AND DRUG POLICY**

Merit Preparatory Academy prohibits any unauthorized student use, possession, sale or distribution of alcohol, controlled substances, imitation controlled substances, and/or similarly harmful substances, or drug paraphernalia. These actions are prohibited in any school building or on any other property owned or operated by Merit or at any school sponsored activity or in any vehicle dispatched by Merit to transport students to or from an activity. These prohibitions apply whether or not the actions occur during regular school hours. [Utah Code § 76-10-101](#)

### **DEFINITIONS**

The words "use", "possession", "sale", "distribution", "alcohol", "drugs", "controlled substances", and "imitation controlled substances", shall have the meanings ascribed to them in the Utah Controlled Substances Act, the Utah Drug Paraphernalia Act, the Imitation Controlled Substances Act, and the Alcoholic Beverage Control Act or any successor acts thereto of the Utah Code. The word "parents" means natural parents, foster parents, or legal guardians. The words "other similarly harmful substances" mean substances such as inhalants and/or inappropriate use of prescription or over-the-counter drugs.

### **PROCEDURES FOR POLICY IMPLEMENTATION**

Merit Administration and staff will encourage and support its students to follow the alcohol and drug policy by:

- a. Ensuring students follow the policy to maintain a safe environment on campus and off campus at Merit functions.
- b. Issue warnings and consequences as appropriate for the circumstance.
- c. Refer the student to their counselor for support.
- d. With the help of the school counselors, administration, and guardians, offer students outside resources for help and recovery.

### **DISCIPLINARY ACTION FOR VIOLATION OF ALCOHOL AND DRUG POLICY: USE OR POSSESSION**

Disciplinary action, independent of any court action, will be taken by Merit in cases involving the illegal use or possession of alcohol, controlled substances, imitation controlled substances, and/or other similarly harmful substances, or possession of drug paraphernalia. Students will be subject to immediate suspension or possible expulsion for violation of the policy.

### **ANY VIOLATION OF ALCOHOL AND DRUG POLICY: USE, POSSESSION, OR DISTRIBUTION**

Procedures: A student shall be suspended from school for up to ten days.

The Director or designee, during the suspension period, shall:

- a. notify the parents;
- b. notify the appropriate law enforcement agency and provide the agency with all confiscated evidence and information;
- c. schedule a parent conference during the suspension period; and the student will be referred to the School Board for expulsion.

### **STATEMENT OF TOBACCO POLICY**

Merit Preparatory Academy prohibits any unauthorized student use, possession, sale, or distribution of tobacco products. These actions are prohibited in any school building, or any other property owned or operated by Merit Preparatory Academy, or at any school sponsored activity, or in any vehicle dispatched by the school to transport students to or from an activity. These prohibitions apply whether or not the actions occur during regular school hours.

### **DEFINITIONS**

The word "tobacco" shall include cigarettes, cigars, pipes, electronic cigarettes, smokeless or other tobacco products in any form. The word "parents" means natural parents, foster parents, or legal guardians.

### **DISCIPLINARY ACTION FOR VIOLATION OF TOBACCO POLICY:**

Disciplinary action, independent of any court action, will be taken by the School in cases involving the use, possession, sale, or distribution of tobacco/tobacco products, electronic cigarettes, or other devices used for vaping. Students will be subject to a suspension or possible expulsion for violation of this policy.

### **FIRST VIOLATION OF THE TOBACCO POLICY**

Procedures: A student shall be suspended from school for up to ten days.

The Director or designee, during the suspension, shall:

- a. notify the parents;
- b. schedule a parent conference during the suspension period; and
- c. refer the student and parent to a school counselor to discuss resources available to quit using tobacco products.

\* Failure of the student to comply with any of the above will result in referral to the Board for expulsion as outlined under procedures for those involved in an additional violation.

### **REPEATED VIOLATION OF THE TOBACCO POLICY**

Procedure: A student shall be suspended from school for up to ten days and referred to the Board for expulsion.

The Director or designee shall:

- a. notify the parents;

The student shall:

- a. meet with the school counselor and explore educational options available during the expulsion period;
- b. not participate in school sponsored activities.

### **SAFE ENVIRONMENT**

The board recognizes a responsibility to provide a safe environment where students and employees are free from unlawful and violent acts.

The Merit Board will not tolerate acts of violence, threatened acts of violence, use or possession of a weapon, hazing, assaultive, demeaning or criminal behavior, gang activity in or about Merit Preparatory Academy, school grounds, or school activities including transportation.

A student shall be suspended or referred to the school board for expulsion from school when the Administration has determined that he/she represents a threat to the health and/or safety of other students and/or employees by:

A. Possessing, using, threatening to use, selling or attempting to sell any firearm, facsimile of a weapon, knife, explosive, chemical/weapon/device, flammable substance, martial arts weapon or other dangerous object.

B. Causing or attempting, or threatening to cause personal harm, damage to either personal or school property and/or disrupting school activities or transportation. Such actions include but are not limited to the following:

(1) Arson The willful and malicious burning of any part of a building or its contents.

(2) Burglary Breaking, entering, or remaining in a structure without justification during the hours where premises are closed to the public.

(3) Stealing/Larceny The intentional unlawful taking and/or carrying away of property belonging to or in the lawful possession or custody of another.

(4) Battery/Fighting The unlawful and intentional touching or striking of a District employee/volunteer/student against his/her will with the intention of causing bodily harm to that individual. The encouragement to do so would also constitute battery.

(5) Criminal Mischief Vandalism, graffiti or destruction of school property or the property of others.

(6) Intimidation Engaging in behavior that prevents or discourages another student from exercising his/her right to education through threats, coercion or force.

(7) Verbal Abuse Using harassing, vulgar, or derogatory remarks toward another student, school employee, or volunteer.

C. Gang signing, wearing of bandannas, headgear, chains, or any article of clothing or jewelry bearing any gang symbols, names, initials, insignia, or anything else which signals gang affiliation and/or is worn for the purpose of signifying gang membership.

D. Involvement in illegal activities, disrupting normal school proceedings, or inciting other students to disrupt school proceedings.

E. Bringing laser lights and laser pointers to school, to school functions and activities or on any district vehicle being used to transport students. Exceptions to this must be approved by the administration.

No student, classified as disabled under the provisions of the Individuals With Disabilities Education Act (IDEA), or Section 504 of the Rehabilitation Act of 1973, shall be suspended or released from school under this policy where the misconduct is a manifestation of that student's disability.

## **RESOURCES:**

[Utah Code § 76-10-101](#) Offenses Against Public Health, Safety, Welfare, and Morals

[Utah Code 53G-8-211](#) Responses to school-based behavior

[Utah Code 53G-8-210](#) Disruptive student behavior

[Utah Code 53G-8-209](#) Extracurricular activities -- Prohibited conduct -- Reporting of violations --  
Limitation of liability

[Utah Code 53G-8-206](#). Delegation of authority to suspend or expel a student -- Procedure for  
suspension -- Readmission

Revised 7/6/21  
Board Approved 8/13/21