

ALCOHOL AND OTHER DRUG USE BY STUDENTS

The board recognizes its share of the responsibility for the health, welfare, and good of the students who attend the district's schools. Alcohol and other drug use are wrong and harmful and can interfere with a student's ability to learn and function responsibly in the school setting and community. Anything that can interfere with the development of an adolescent, therefore, must be evaluated as to its impact to both the young person and the community. Psychoactive and mood altering drugs can destroy the health and well being of an individual. The school community defines drug use as a serious health problem and is committed to discouraging this behavior and to encouraging young people to seek help should a problem arise.

As educators, we recognize that chemical abuse (alcohol and drugs) has become a serious problem in our country. We accept our obligation to establish a positive environment in which these problems can be presented through a comprehensive school drug free program and be addressed locally in a helpful and supportive, rather than a punitive way. One of our goals is to prevent all use by students. Accomplishing this goal, we realize, will entail training teachers, counselors, and other staff members to educate themselves and the community about the impact of drug abuse. Other goals are to teach staff to identify indicators of alcohol and/or other drug use problems and to know what resources are available to address these problems if they are observed. The administration recognizes that the problems of alcohol and/or other drug use are a school and community issue. Therefore, we are committed to cooperate with agencies and community groups that address these issues.

The following document outlines policy on student use of alcohol and other drugs in the school district. **This policy is in effect on premises owned, leased, or maintained by the school district, at all school related activities on and off campus, on vehicles used to transport students to and from school, or at other activities and in vehicles parked on school property.** Student and parent/guardian members of the school community are expected to know and understand the policy provisions and its mandatory nature. A copy of the policy will be provided to all students and parents.

Policy

A student shall not possess, use, distribute, transfer, conceal, sell, attempt to sell, deliver, nor be under the influence of alcohol and/or other drugs, which affect the educational process of the school. Students shall not engage in alcohol and/or other drug use/abuse, nor possess paraphernalia specific to the use of alcohol and/or other drugs. Students shall not engage in the use of alcohol and/or other drugs. Students who use prescription drugs authorized by a licensed physician do not violate this policy if the students conform to the prescription and appropriate school policies.

Disciplinary Sanctions and Implementation Procedures

The following procedures will be used in dealing with possession, use, distribution, or being under the influence of alcohol and other drugs:

- A. First Offense (other than distribution)
 1. The administration will try to notify the parents/guardians by phone to explain the incident and arrange a conference.
 2. The administration may suspend the student for ten (10) days in compliance with student due process procedures.
 3. The administration will notify the parents/guardians in writing by first class mail at the last known address.

4. The administration may notify available law enforcement authorities.
5. State and federal regulations regarding special education students will be followed.

The school district will require that students with alcohol and other drug abuse problems seek professional assessment from a trained chemical dependency counselor or a licensed physician trained in chemical dependency. Because we believe that chemical dependency is preceded by misuse, we feel confident that such early intervention can benefit the student before significant harm or dependency results.

The provision in each school of counseling services that will make it possible for drug-troubled students to seek and get counseling any time without fear of reprisal and with assurance of the confidentiality of the counseling.

The administration will provide a list of agencies/professionals who can do the assessment and provide treatment. Fees for this assessment and treatment are the responsibility of the student and family.

Upon receipt of appropriate authorization, the agency or professional will notify the school administration that the student is willing to be evaluated and to comply with the treatment process.

B. Second and Subsequent Offenses (other than distribution)

1. The administration will contact the parents/guardians to arrange for a conference.
2. The administration may notify available law enforcement authorities.
3. The administration may suspend for ten (10) days in compliance with student due process procedures.
4. The administration will notify the parents/guardians in writing of the suspension.
5. The administration will recommend to the school board that the student be expelled unless the following procedure is followed:
 - a. The student must agree to be assessed by a trained chemical dependency counselor or a licensed physician trained in chemical dependency at his/her own expense.
 - b. Upon appropriate authorization, the agency or professional notifies the administration that the student has been assessed and does or does not require treatment. If the student is accepting needed treatment, the recommendation for expulsion may be commuted. Fees for this assessment and/or treatment are the responsibility of the student and his/her family.

C. Supplying/Distributing or Selling Alcohol and Other Drugs of Material Represented to be a Controlled Substance (all occurrences)

1. The administration will notify parents/guardians in writing of the suspension.
2. Supplying or selling chemicals may result in a ten (10) day suspension.
3. The administration will refer the case to available law enforcement authorities.

4. A hearing on the case will be conducted by the school board pursuant to due process rules for expulsion. Expulsion may be recommended by the administration.
 5. State and federal requirements regarding special education students will be followed.
- C. Students whose observed behavior indicates possible use of alcohol and/or other drugs will be referred to the building administrator and/or "first responder" medical personnel will determine whether to contact the parents/guardians for further instruction, refer to the emergency authorization form, or immediately seek additional medical treatment. Following the handling of the medical emergency, this Policy Statement for Alcohol and/or Other Drug Abuse will be followed.
- D. Use of Preliminary Breath Test (PBT)

A device known as a Preliminary Breath Test (PBT) may be used to check for alcohol breath and can be used with or without a subject's direct participation.

When used without direct participation, it is known as passive breath sampling, as opposed to active testing when the subject blows directly into a mouthpiece or the intake port. There may be times when the PBT can be used passively, i.e., as it can detect alcohol in open containers or in enclosed spaces such as normal course of action when faced with the question of possible consumption. All due process precaution will continue to be in place. Given reasonable suspicion of use or possession, the following steps will occur:

1. Reasonable suspicion, such as a staff referral or information gathered during an investigation, will initiate administrative contact with said student.
2. The student will be directed to an office area where he/she will be kept in observation and questioned regarding the concern of alcohol consumption.
3. The student may, at that point, confirm or deny the report.
4. After a period of observation and questioning, we will inform the student of our new, less invasive means of detecting breath alcohol and allow the subject to speak/breathe across the intake port of the PBT.
5. Next, the subject will be informed of the PBT result. (The test either detected the presence of alcohol or it did not.)
6. If it is determined that the subject has consumed alcohol, we will inform the subject and his/her parents/guardians of our suspicions and proceed as provided in this policy.
7. The subject may continue to deny consumption and wish to pursue the issue further. At this point, he/she will be informed of an alternative to clear the allegation of consumption. This would involve the opportunity to take a breathalyzer through the local police department or blood test at the hospital. The subject will also be informed that he/she may face legal consequences as a result of failing the breathalyzer or blood test.

LEGAL REFS.: SDCL 13-32-4.3; 26-11-5.1; 22-42-19
Public Law 101-226

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