

## ALCOHOL AND OTHER DRUG USE BY STUDENTS

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, in vehicles used to transport students to and from school or at other activities and in vehicles parked on school property. Students, parents and 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.

A student shall not possess, use, distribute, transfer, conceal, sell, attempt to sell, deliver, nor be under the influence of alcohol and/or other illegal drugs and paraphernalia that affect the educational process of the school. If the offense involves an illegal controlled substance or marijuana, refer to policy JFCI Student Drug Abuse. Students who use prescription drugs authorized by a licensed physician do not violate this policy.

### **Drug Detection Canines (Drug Dogs)**

At the discretion of the school superintendent, a search of school buildings/grounds by drug detection canines (drug dogs) will be scheduled. The date of the search itself will not be announced. Building principals will be present during any scheduled search. A limited number of other staff and faculty (i.e. guidance counselors and drug and alcohol counselors) may be present during the search, at the discretion of the building principal. Also, the handler of the drug dog can limit the number of persons in attendance to ensure the professionalism of the search and to protect potential evidence.

Representatives of the media will not be present during the drug dog searches. During the search itself, students will not be present in the immediate areas of the search. The handler of the drug dog (SD Highway Patrol officer or local police) will conduct a "pre-search" of the area prior to introducing the drug dog to that area. During a search, the drug dog may alert to a particular locker or vehicle. At the discretion of the Highway Patrol or police officer, that locker will be secured and searched immediately by the law enforcement officers. If illegal drugs are found, the South Dakota law enforcement officers will seek out and question the user(s) of the locker. When the identity of the person possessing the illegal drugs is established, an arrest will be made immediately. If illegal drugs are not found in a locker to which the drug dog has alerted, the identification of that locker will be disclosed to the school principal or counselor. The Administration and/or counselor will contact the parents of the identified student to make the parent aware that the drug dog did alert on their student's locker. This will be done in a confidential manner, not to call attention to the student.

### **Disciplinary Sanctions and Implementation Procedures**

The following procedures will be used in dealing with violation of the policy:

A. First Offense (other than distribution)

1. The administration will try to notify the parent(s)/guardian(s) by phone to explain the incident and arrange a conference;
2. The administration may suspend the student up to ten (10) days in compliance with student due process procedures;
3. The administration will notify the parent(s)/guardian(s) in writing of the suspension within thirty-six (36) hours; and
4. The administration shall notify available law enforcement authorities.
5. State and federal regulations regarding special education students will be followed.

If requested by parents/guardians or student, the school district will provide assessment for students with alcohol and other drug abuse problems. Early intervention may benefit the student before significant harm or dependency results.

The suspension of a student who agrees to be professionally assessed and treated if needed will be commuted to three (3) days. The administration will provide a list of agencies/professionals who can do the assessment and provide treatment. Fees for any additional 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.

A. Second and Subsequent Offenses (other than distribution)

1. The administration will contact the parent(s)/guardian(s) 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. Within thirty-six (36) hours, the administration will notify the parent(s)/guardian(s) 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 or 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 accepts the need for treatment, the recommendation for expulsion may be commuted. Fees for this assessment and/or treatment are the responsibility of the student and family.

- B. Supplying/Distributing or Selling Alcohol and Other Drugs of or Material Represented to be a Controlled Substances (all occurrences)
1. Within thirty-six (36) hours, the administration will notify parent(s)/guardian(s) in writing of the suspension.
  2. Supplying or selling controlled substances may result in a ten (10) days 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.
- C. Pupils 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, who will determine whether to contact the parent for further instruction, refer to the emergency authorization form or immediately seek additional medical treatment. Following the handling of the medical emergency, the Policy Statement for Alcohol and/or Other Drug Abuse will be followed.

#### Use of Passive Alcohol Sensor (PAS)

A device known as a Passive Alcohol Sensor (PAS) may be used to check for breath alcohol 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 PAS can be used passively i.e., as it can detect alcohol in open containers or in enclosed spaces such as rooms, lockers, etc. There will be no variance from the normal course of action when faced with the question of possible consumption. All due process precaution will continue to be in place.

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