

STUDENT CHEMICAL USE AND/OR ABUSE PROCEDURES

A chemical or controlled substance is defined as alcohol, tobacco, marijuana, inhalants (paint, glue, solvents, etc.) and all controlled substances as defined by South Dakota Codified Law 34-20B and 21 USC 802 and 21 CFR 1308.

Situations occur which constitute possible student chemical use/abuse and require direct action by building staff. Immediate response is indicated when:

- A. Working with the student who appears to be under the influence of a chemical or controlled substance during the school day and/or at any school sponsored activity.
- B. Any student whose appearance and behavior seems inappropriate (e.g. nervousness, restlessness, dilated pupils, extreme exhilaration, extreme depression) shall be sent to the principal's office with an adult escort if necessary. In the event that the teacher cannot direct the student to the office, they shall immediately inform the school administration, or designee, about the symptoms which they has observed. The transfer of a student from the classroom to the school office shall be handled as tactfully as possible. The administrator shall then determine the appropriate course of action.

The school administrator shall take the following steps:

- A. Observe the behavior of the student, consider the information provided by the teacher and make a judgment regarding the student's need for immediate medical attention.
- B. In the event that the student needs immediate medical attention, the following procedure shall be followed:
 - 1. Arrange for an ambulance, if appropriate.
 - 2. Contact the parent/guardian(s) of the student.
 - 3. Contact the local hospital, describing the symptoms, making arrangements for admission and requesting a report on the student's condition.
 - 4. Contact the school Liaison Officer.
 - 5. Request medical report.
- C. If a situation occurs wherein the behavior of a student under suspected chemical influence is immediately threatening self or others, police authorities may be called to deal with the matter. Parent/Guardian(s) should be contacted as soon as possible and informed of the action taken.

- D. In the event that the student does not need immediate medical attention, the procedure for the principal or designee is:
1. Contact the school Liaison Officer.
 2. Notify parent/guardian(s) and request they come to the school. (Liaison Officer may choose to transport student to Detox. Center.)
 3. Hold a meeting with student's parent/guardian(s), principal and counsel to determine proper disposition. Develop an action plan in writing signed by parent/guardian(s) and school official.
- E. In the event that the student appears to be under the influence of alcohol or marijuana a breathalyzer or marijuana litmus test may be used under the following conditions.
1. Reasonable grounds for suspicion of a student ingesting alcohol or marijuana including the principal and teacher's observations that the student was behaving in a disruptive manner and the odor of alcohol or marijuana is present.
 2. Notify parent/guardian(s) and request they come to the school or site of the incident.
 3. The student shall be given full disclosure of all evidence the school has against the student prior to administering the test. The student shall be given the option of either taking the test, or refusing the test and withdrawing from school voluntarily. If the student denies or refuses the test, parental permission will be requested prior to a voluntary withdrawal from school.
 4. The student shall be fully informed about the test itself and the consequences of a positive test result (i.e. if the test is positive, the student will be suspended or expelled).
 5. If the student tests positive, the student shall be given due process prior to suspending or expelling the student.

Working with the student whose behavior and/or academic performance is deteriorating to the point that chemical or controlled substance use/abuse is suspected.

The school administrator shall take the following steps:

- A. Student is referred to the STAT (Student/Teacher Assistant Team) by staff, students, parent/guardian(s) or any concerned person.

- B. The STAT (Student/Teacher Assistant Team) will have teachers or involved staff complete a S.A.P. (Student Assistance Program) Referral Form and provide any other information.
- C. STAT (Student Teacher Assistant Team) reviews the available information to determine whether or not parent/guardian(s) need notification. Develop an action plan in writing signed by student, parent/guardian and school official.
- D. In those cases where the student is uncooperative, the parent/guardian(s) should be directed to the resources (State's Attorney's Office, treatment center, etc.) for aid in getting an assessment and possible treatment.
- E. When cooperation is lacking to the point that parental/guardian efforts are not sufficient to address the student's chemical abuse problem the principal will report the case to the school Liaison Officer or the Department of Social Services who will initiate a child neglect investigation.

Working with the student in possession of a suspected chemical or controlled substance. Any substance taken from a student, believed to be intended for chemical use/abuse shall be brought to the principal who shall, as a routine procedure, submit such substance to the police for analysis.

Positive identification as a chemical or controlled substance will result in reporting the name of the student to the police.

- A. In the event that a teacher observes a student with a questionable substance and believes it might be intended for chemical use/abuse or observes the passing or selling of such a substance to another student, the teacher shall require the student to accompany them to the principal's office, with the substance either in the teacher's or student's possession. The teacher shall not accuse the student of having a chemical or controlled substance in his/her possession since the substance has not been authoritatively identified.
- B. The principal shall request the student to turn the substance over to them. The principal shall give the substance to the police department for identification. If the student does not cooperate, the school Liaison Officer or police officer will be called.
- C. Hold a meeting with the student's parent/guardian, principal and counselor to determine proper disposition. Develop an action plan in writing signed by student, parent/guardian and school official.

Working with the student distributing a chemical or controlled substance.

- A. The school administrator shall take the following steps:

1. Hold a meeting with student's parent/guardian, principal and counselor to determine proper disposition. Develop an action plan in writing signed by student, parent/guardian and school official.
2. In all instances of chemical use/abuse, administrators shall cooperate fully with the police.
3. In the event that it is confirmed that a student is distributing a chemical or controlled substance, he or she shall be referred to the superintendent or his/her designee for suspension or expulsion pursuant to the policies of the school district.

Building principals have several obligations concerning the chemical use/abuse procedures:

- A. To review chemical use/abuse policy and operational procedures with staff before school starts in the fall of each year.
- B. To assure that all staff including new staff hired during the year is alerted to signs and/or behaviors that indicate immediate or long term chemical use/abuse and that they receive training in teaching prevention education programs.
- C. To designate specific staff members to whom suspected chemical use/abuse situations are to be reported.
- D. To assure that the suspected chemical use/abuse situation is brought to the attention of the student's parent/guardian(s).
- E. To assure that students using chemicals receive the support and appropriate referral for help.

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Legal Reference:

S.D. Admin. R. 24:05:26 et seq.
S.D. Admin. R. 24:05: 26:01 et seq.
S.D. Admin. R. 24:07:04 et seq.

Cross Reference: JFC Student Conduct
JGD Suspension and Expulsion