

## ALCOHOL AND OTHER DRUG USE BY LEARNERS

This policy addresses The following document outlines policy on learner 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 learners to and from school or at other activities and in vehicles parked on school property. Learners and parents/guardians are expected to know and understand the policy provisions and its mandatory nature. A copy of the policy will be provided to all learners and parents.

### POLICY

A learner shall not possess, use, distribute, transfer, conceal, sell, attempt to sell, deliver, give, exchange or be under the influence of alcohol, illicit drugs, narcotics, dangerous or illegal chemical substances. This includes tobacco, nicotine delivery devices, e-cigarettes and vaping devices. Learners shall not engage in alcohol and/or other drug use/abuse, nor possess paraphernalia specific to the use of alcohol and/or other drugs.

Learners who use prescription drugs or medical cannabis authorized by a licensed physician do not violate this policy if the learners conform to the prescription and appropriate school policies.

### DISCIPLINARY SANCTIONS AND IMPLEMENTATION PROCEDURES

- A. The following procedures will be used in dealing with possession, use, or being under the influence of alcohol and other drugs. State and federal regulations regarding special education learners will be followed.

#### *First Offense:*

1. The administration will notify the parent(s)/guardians(s) and schedule a conference;
2. The administration shall suspend the learner for up to ten (10) days in compliance with learner due process procedures;
3. The administration shall notify available law enforcement authorities;

The suspension of a learner who completes a drug/alcohol assessment from a certified or licensed addiction counselor or a licensed physician trained in chemical dependency and recommended program, if any, will be commuted to three (3) days, provided the assessment and program are completed, unless good cause is shown to and approved by the administration, within twenty (20) school days. Fees for this assessment and treatment are the responsibility of the learner and family.

Upon receipt of appropriate authorization, the agency or professional will notify the school administration in writing that the learner has been evaluated and to comply successfully, completed any recommended treatment program.

#### *Second Offense:*

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
2. The administration shall notify available law enforcement authorities.
3. The administration shall suspend for up to ten (10) days in compliance with learner due process procedures.

A long-term suspension hearing shall be scheduled before the school board pursuant to due process rules for long-term suspension. The administration will recommend to the school board

that the learner be suspended for ninety (90) school days. The ninety (90) day suspension for a second offense may be reduced to ten (10) school days if the learner completes an accredited intensive prevention or treatment program. Fees for this assessment and/or treatment are the responsibility of the learner and family.

*Subsequent Offenses:*

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
2. The administration shall notify available law enforcement authorities.
3. The administration shall suspend for up to ten (10) days in compliance with learner due process procedures.
4. An expulsion hearing shall be scheduled before the school board pursuant to due process rules for expulsion. The administration will recommend to the school board that the learner be expelled.

**B. Distributing (supplying free or selling) Alcohol and Other Drugs or Material Represented to be a Controlled Substance - (all occurrences):**

1. The administration will contact the parent(s)/guardian(s) and schedule a conference.
2. The administration shall notify available law enforcement authorities.
3. The administration shall suspend for up to ten (10) days in compliance with learner due process procedures.
4. A long-term suspension hearing shall be scheduled before the school board pursuant to due process rules for long-term suspension. The administration will recommend to the school board that the learner be suspended for up to ninety (90) school days.
5. A second offense for distributing alcohol or drugs shall result in an expulsion hearing being scheduled before the school board and the administration will recommend the learner be expelled for one year.
6. State and federal regulations regarding special education learners will be followed.

**USE OF ALCOHOL SENSORS**

In keeping with its commitment to protect all pupils and the school community from the harm of alcohol use, the Board authorizes the Superintendent, Principals, and designee(s), to use a portable breath test (PBT) and passive breath alcohol sensor device (PBASD) to screen for evidence of breath alcohol.

The purpose for using a PBT and PBASD is to protect pupils who may be under the influence of alcohol, other pupils, staff and community members attending school events and to deter the use of alcohol by pupils. As PBT and PBASD implementation is intended primarily as a deterrent to learner and youth alcohol use, nothing set forth in this policy precludes school district personnel from using the power of observation and professional judgment when there is reasonable suspicion of youth alcohol consumption.

The Board authorizes PBT and PBASD screening of learners during the school day upon reasonable suspicion that a learner may have consumed alcohol, and of attendees before, during and after school activities/events including, but not limited to dances, athletic events, proms, class trips, drama productions, graduation ceremonies, or school assemblies.

Procedurally, district personnel will not vary from the normal course of action outlined in Policy JGD: Learner Suspension or Expulsion when evidence of alcohol consumption is derived from a PBT, PBASD reading or personal observation.

If the PBT or PBASD screening indicates the presence of alcohol on District learner, the matter shall be reported to the Principal or designee and law enforcement. District learners violating this policy will be disciplined according to the discipline procedures outlined in this policy and other relevant policies. School age persons from other districts attending school and district sponsored events who are suspected of alcohol consumption will be reported to the Principal or designee and law enforcement.

The Board shall provide notices to learners, staff, parents and guardians of this policy.

**Legal References:**                    **SDCL 13-32-4 (School board to assist in discipline)**  
**SDCL 13-32-4.2 (Procedure for suspension)**  
**SDCL 13-32-4.3 (Effect of suspension or expulsion on enrollment)**  
**SDCL 13-32-9 (Suspension from extracurricular activities)**  
**SDCL 22-42-19 (Drug free zones created)**  
**SDCL 26-11-5.1 (Notice by law enforcement of suspected student alcohol/drug violation or violence threat)**  
**SDCL 34-20G (Medical Cannabis)**  
**Public Law 101-226 (Drug-Free school and communities act of 1989)**

**Cross References:**                    **IGD: LEARNER ACTIVITIES**  
**JGD: LEARNER SUSPENSION OR EXPULSION**  
**JGD-E(1): NOTICE OF HEARING FOR LONG-TERM SUSPENSION OR EXPULSION**  
**JHCDE: ADMINISTRATION OF MEDICAL CANNABIS TO QUALIFYING LEARNERS**  
**JHCDE-E(1): MEDICAL CANNABIS ADMINISTRATION PLAN**

**1st Reading:**                            **08/12/2013**  
**2nd Reading:**                        **09/16/2013**  
**Final/Adopted:**                      **10/15/2013**  
**1st Revised Reading:**               **07/14/2014**  
**2nd/Final Reading:**                **08/11/2014**  
**Notification:**                        **08/09/2021**  
**1st Reading:**                         **09/13/2021**  
**2nd Reading/Approval:**           **10/18/2021**  
**Notification:**                        **10/15/2024**  
**1st Reading:**                         **11/12/2024**