



Drug and Alcohol Policy

July 2019

Stewart School is committed to providing a campus environment free of the use of alcohol and illegal drugs.

To strengthen that commitment, Stewart School has adopted and implemented a program that seeks to prevent the abuse of alcohol and drugs by its employees and students. The School's policies concerning the use of alcohol and drugs are outlined below.

This statement is provided annually to students, faculty and staff of Stewart School in compliance with the requirements of the Drug-Free Schools and Communities Act, Public Law 101-226.

The unlawful manufacture/distribution/dispensation/possession and/or use of a controlled substance (drugs) and the unlawful possession or use, of alcohol are prohibited in and on property owned or controlled by Stewart School.

No employee or student is to report for work, attend class, or participate in a Stewart School activity while under the influence of illegal drugs, alcohol, or prescription drugs that would affect his/her performance.

Stewart School Disciplinary Sanctions:

Violation of the policies and laws referenced above by an employee or student will be grounds for disciplinary actions up to and including termination or expulsion in accordance with the applicable Stewart School policies. A referral may also be made for prosecution consistent with local, state and federal criminal laws. Disciplinary action taken against a student or employee by the School does not preclude the possibility of criminal charges being filed against that individual. The filing of criminal charges similarly does not preclude action by Stewart School.

Stewart School may conduct searches for illegal drugs or alcohol on School facilities at any time, without prior notice to employees and students. With regard to employees, School Facilities include, without limitation: offices, desks, drawers, cabinets, files, lockers, equipment, including computers, email and voicemail, School vehicles, and any area on the School’s premises. With regard to students, School Facilities include, without limitation: desks, drawers, lockers, and any area on the School’s premises. These examples are provided as an illustration only and do not create an expectation of privacy in locations not listed.

Students and employees should have no expectation of privacy with respect to items brought onto Company property and/or stored in company facilities. In addition, when Stewart School has a reasonable suspicion that a School policy is being violated that necessitates a search, employees and students may be required to submit to reasonable searches of personal vehicles, parcels, purses, handbags, backpacks, briefcases, lunch boxes, student kits or any other possessions or articles brought on to the company’s property.

Employees and students are expected to fully cooperate. Persons entering the premises who refuse to cooperate in an inspection conducted pursuant to this policy may not be permitted to enter the premises. All employees must cooperate in an inspection; failure to do so is insubordination and will result in disciplinary action, up to and including discharge.

As a condition of employment, Stewart School employees must consent to a drug or alcohol screening at any time during employment if the School has reasonable suspicion that the employee is under the influence of drugs and/or alcohol. The refusal to consent to testing may result in disciplinary action, including termination. Stewart School will cover the costs associated with such drug and/or alcohol screening.

Local, State and Federal Sanctions:

Local State and Federal laws prohibit the possession of alcoholic beverage by persons under age 21. No person may sell, give, serve alcoholic beverages to a person under age 21, and it is unlawful for a person underage to misrepresent his or her age in order to obtain alcohol.

It is a crime for any person to possess or distribute a controlled substance (drug).

The City of Sioux Falls has established ordinances regarding alcoholic beverages. The City regulates licensing and sales of alcoholic beverages. As well the City of Sioux Falls has ordinances that deal with the consumption of alcohol on public streets, sidewalks and/or alleyways. The violation is a petty offence resulting in a maximum of a \$500 fine and/or up to 30 days in jail.

State Criminal and Civil Penalties for Unauthorized Possession or Distribution of Alcoholic Beverages:

Offense	Penalty
<p>SDCL 35-9-2 Purchase, possession, or consumption of beverage by person under twenty-one years prohibited--Exception--Misrepresentation of age--Violation as misdemeanor. It is a Class 2 misdemeanor for any person under the age of twenty-one years to purchase, attempt to purchase, or possess or consume alcoholic beverages except pursuant to § 35-9-1.1 or when consumed in a religious ceremony and given to the person by an authorized person, or to misrepresent his or her age with the use of any document for the purpose of purchasing or attempting to purchase alcoholic beverages from any licensee licensed under this title.</p>	<p>SDCL 22-6-2. (2) Thirty days imprisonment in a county jail or five hundred dollars fine, or both</p>
<p>SDCL 32-12-52.4 Suspension for certain alcohol-related offenses by a minor. Upon a first conviction or a first adjudication as a child in need of supervision for a violation of § 35-9-2 while in a vehicle.</p> <p>Upon a second conviction or a second adjudication as a child in need of supervision for a violation of § 35-9-2 while in a vehicle.</p> <p>Upon a third or subsequent conviction or a third or subsequent adjudication as a child in need of supervision for</p>	<p>The court shall suspend the driver license or driving privilege of the driver, if the driver was under the age of twenty-one when the offense occurred, for a period of thirty days.</p> <p>The court shall suspend the driver license or driving privilege of the driver, if the driver was under the age of twenty-one when the offense occurred, for a period of one hundred eighty days.</p> <p>The court shall suspend the driver license or driving privilege of the driver, if the</p>

a violation of § 35-9-2 while in a vehicle,	driver was under the age of twenty-one when the offense occurred, for a period of one year. For any offense under this section, the court may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, permitting the person to operate a vehicle for purposes of the person's employment, attendance at school, or attendance at counseling programs.
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State of South Dakota Criminal and Civil Penalties for Possession or Distribution of Marijuana:

A civil penalty, not to exceed \$10,000, may be imposed in addition to any criminal penalty, upon a conviction of a violation of these sections of the South Dakota Codified Law.

Offense	Penalty
SDCL 22-42-6 Possession of marijuana prohibited-- Degrees according to amount. No person may knowingly possess marijuana. The possession of two ounces of marijuana or less.	Class 1 Misdemeanor; One year imprisonment in a county jail or two thousand dollars fine, or both.
The possession of more than two ounces of marijuana but less than one-half pound of marijuana.	Class 6 Felony; Two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.
The possession one-half pound but less than one pound of marijuana.	Class 5 Felony; Five years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may be imposed.
The possession of one to ten pounds of marijuana.	Class 4 Felony; Ten years imprisonment in the state penitentiary. In addition, a fine of twenty thousand dollars may be imposed.
The possession of more than ten pounds of marijuana.	Class 3 Felony; Fifteen years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars may be imposed.
SDCL 22-42-7 Distribution or possession with intent to distribute specified amounts of marijuana. The distribution, or possession with intent to distribute, of less than one-half ounce of marijuana without consideration.	Class 1 Misdemeanor; One year imprisonment in a county jail or two thousand dollars fine, or both.

The distribution, or possession with intent to distribute, of one ounce or less of marijuana.	Class 6 Felony; Two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.
The distribution, or possession with intent to distribute, of more than one ounce but less than one-half pound of marijuana.	Class 5 Felony; Five years imprisonment in the state penitentiary. In addition, a fine of ten thousand dollars may be imposed.
The distribution, or possession with intent to distribute, of one-half pound but less than one pound of marijuana.	Class 4 Felony; Ten years imprisonment in the state penitentiary. In addition, a fine of twenty thousand dollars may be imposed.
The distribution, or possession with intent to distribute, of one pound or more of marijuana.	Class 3 Felony; Fifteen years imprisonment in the state penitentiary. In addition, a fine of thirty thousand dollars may be imposed.
SDCL 22-42-11 Inhabiting room where controlled substances illegally stored or used as misdemeanor. Any person who inhabits a room knowing that any controlled drug or substance is being illegally stored or used therein, is guilty of the following:	Class 1 Misdemeanor; One year imprisonment in a county jail or two thousand dollars fine, or both.
SDCL 22-42-16 Delivery or manufacture of noncontrolled substance represented to be controlled substance as felony. No person may deliver or possess with intent to deliver or knowingly manufacture any noncontrolled substance which the person represents to be a substance controlled under the provisions of this chapter. Any person who violates this section is guilty of:	Class 6 Felony; Two years imprisonment in the state penitentiary or a fine of four thousand dollars, or both.

Federal Penalties for Illegal Possession of Controlled Substances:

21 U.S.C. 844 (a)

1st conviction: Up to 1-year imprisonment and fined at least \$1000 but not more than \$100,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2500 but not more than \$250,00, or both.

After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years and fined at least \$5,000 but not more than \$250,000, or both.

Special sentencing provision for possession of crack cocaine: Mandatory at least 5 years in prison, not to exceed 20 years and fined up to \$250,000, or both, if:

- (a) 1st conviction and the amount of crack possessed exceeding 5 grams.
- (b) 2nd crack conviction and the amount of crack possessed exceeding 3 grams.
- (c) 3rd or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881(a)(7)

Forfeiture of personal and real property used to possess or facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment (see special sentencing provisions re: crack.)

21 U.S.C 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used to transport or conceal a controlled substance.

21 U.S.C. 844(a)

Civil fine of up to \$10,000 (pending adoption of final regulations.)

21 U.S.C. 853a

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, for up to 1 year for first offense, up to 5 years for second and subsequent offenses.

Health Risks Associated with use and abuse of Alcohol and Illegal Drugs:

Alcohol consumption causes a number of marked changes in behavior. Even low doses of alcohol significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. The use of even small amounts of alcohol by a pregnant woman can damage the fetus. Low to moderate doses of alcohol also increases the likelihood of a variety of aggressive acts.

Moderate to high doses of alcohol cause marked impairment in higher mental functions, severely altering a person’s ability to learn and remember information. Heavy use may result in chronic depression and suicide and may also be associated with the abuse of other drugs. Very high doses can cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce effects described above for very high doses. Long-term, heavy alcohol use can cause digestive disorders, cirrhosis of the liver, circulatory system disorders and impairment of the central nervous system, all of which may lead to early death.

Repeated use of alcohol can lead to dependence, and at least 15-20 percent of heavy users eventually will become problem drinkers or alcoholics if they continue drinking. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations and convulsions, which can be life threatening. The use of illegal drugs, and the misuse of prescription and other drugs, poses a serious health threat. For example, the use of marijuana (cannabis) may cause impairment of short-term memory, comprehension, and ability to perform tasks requiring concentration.

The use of marijuana also may cause lung damage, paranoia and possible psychosis. The use of narcotics, depressants, stimulants and hallucinogens may

cause nervous system disorders and possible death as the result of an overdose. Illicit inhalants can cause liver damage.

There are significant risks associated with the use of alcohol and drugs. These risks include impaired academic or work performance; lost potential; financial problems; poor concentration; blackouts; conflicts with friends and others; vandalism, theft and murder, sexual assault and other unplanned sexual relationships; spouse and child abuse; sexually transmitted diseases; and unusual or inappropriate risk-taking which may result in physical or emotional injury or death.

The school maintains drug and alcohol education information that can be obtained from the Student Services Director.

Volunteers of America
1401 West 51st Street
Sioux Falls, SD 57105
(605) 339-1199

Narcotics Anonymous
4112 S. West Ave
Sioux Falls, SD 57104
(605) 334-5419

Alcoholics Anonymous
4112 S West Ave
Sioux Falls, SD 57105-6652
(605) 332-9911

SD Network Against Family Violence & Sexual Assault
1705 S. Cleveland Ave. Suite 5
Sioux Falls, SD 57105
(605) 731-0041

Fire and Law Enforcement Emergency	911
Sioux Falls Police Department	605-367-7212
SD Highway Patrol	605-367-5700
Sioux Falls Fire Department	605-367-7000
Ambulance	911
National Suicide Prevention Hotline	800-784-2433
National Suicide Prevention Lifeline	800-273-TALK (8255)
Poison Control Center	800-222-1222
U.S. Department of Homeland Security	800-232-5378
American Red Cross	605-336-2448
Avera McKennan Hospital	605-322-8000
Sanford Hospital	605-333-4444
Employee and Family Services	605-336-1974

Federal Drug Free Work-Place Requirements:

The following are required of the Stewart School and its employees and students:

1. An employee or student shall notify his or her supervisor, or other

appropriate management representative, of any criminal drug statute conviction for a violation occurring in the work place no later than (5) days after such conviction.

2. The School shall notify any federal contacting agency within ten days of having received notice that an employee or student engaged in the performance of such contract or grant has had a criminal drug statute conviction for a violation occurring in the work place.

3. The School will take appropriate action against any employee or student who is convicted for a violation occurring in the work place and will require the employee or student's satisfactory participation in a drug abuse assistance or rehabilitation program.

Standards of Conduct:

The Drug and Alcohol Prevention Program policy applies to all Employees/students. The unlawful possession, use, or distribution of elicits drugs and/or alcohol is strictly prohibited at this school. Employees/Students not complying with these standards will be subject to institutional sanctions. The prohibitions for use, possession, and distribution of illegal drugs or alcohol apply to all students on school property or as part of any school activity.

Drug Violation-Financial Aid Eligibility:

Federal Law prohibits illegal drug possession or sale.

A student who is convicted of either offense, while receiving Federal Financial Aid, will lose Federal Financial Aid eligibility, as follows:

1. Possession of Illegal Drug

Possession conviction results in loss of Federal Aid for 1 year from date of conviction; two possession convictions result in 2 years from conviction date.

2. Sale of Illegal Drug

Conviction of the Sale of illegal drugs results in loss of Federal Aid for 2 years from date of conviction.

A student may reinstate Federal Financial Aid eligibility upon documented successful completion of an acceptable drug rehabilitation program, which includes at least two unannounced drug tests, and:

The program is qualified to receive funds from federal, state or local government or from a federally (or state) licensed insurance company or be administered or recognized by a Federal, State or local government agency or court, or federally or state-licensed hospital, health clinic or medical

This policy will be distributed to all employees and students annually. We will review our Drug and Alcohol Policy for effectiveness at least once every two years. We will track the number of drug and alcohol related disciplinary actions, treatment referrals, and incidents reported by police. We will also survey students, staff, and employees at least every two years about attitudes and perceptions about drug/alcohol problems at Stewart School. We will inform all new enrollees and hires upon start and annually thereafter of this policy.

Acknowledgement of Receipt of Stewart School's Drug & Alcohol Policy

I _____ acknowledge that I have received a copy of the Stewart School's Drug & Alcohol Policy.

I _____ acknowledge the information given to me today the _____ of _____ 20____ regarding Stewart School's Drug & Alcohol Policy. I have read the Policy and all my questions regarding the policy have been answered. I am aware that Stewart School reserves the right to change and or add to this policy at any time and that I will be given notice of the changes or additions 30 days prior to the enforcement of.

Student Signature

Date

School Director Signature

Date