

### **Drugs & Alcohol**

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. Regarding 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 regards 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	
<p><b>35-9-2. Purchase, possession, or consumption of beverage by person under twenty-one years prohibited-- Exception--Misrepresentation of age-- Violation as misdemeanor.</b></p>	<p>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><b>32-12-52.4. Suspension for certain alcohol-related offenses by a minor.</b></p>	<p>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, the court shall suspend the driver license or driving privilege of the driver, if the driver was</p>

	<p>under the age of twenty-one when the offense occurred, for a period of thirty days.</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, 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>Upon a third or subsequent conviction or a third or subsequent adjudication as a child in need of supervision for a violation of § 35-9-2 while in a vehicle, 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 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.</p> <p>Notwithstanding the provisions of chapters 26-7A, 26-8A, 26-8B, and 26-8C, the Unified Judicial System shall notify the Department of Public Safety of any conviction or adjudication for a violation, while in a vehicle, of § 35-9-2 or chapter 32-23. The period of suspension shall begin on the date ordered by the court or on the date specified in the notice from the department, whichever date is earlier. At the expiration of the period of suspension, a person may make application to have the license reinstated and pay the license fee as prescribed in § 32-12-47.1.</p>
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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	
<p><b>22-42-6. Possession of marijuana prohibited--Degrees according to amount.</b></p>	<p>No person may knowingly possess marijuana. It is a Class 1 misdemeanor to possess two ounces of marijuana or less. It is a Class 6 felony to possess more than two ounces of marijuana but less than one-half pound of marijuana. It is a Class 5 felony to possess one-half pound but less than one pound of marijuana. It is a Class 4 felony to possess one to ten pounds of marijuana. It is a Class 3 felony to possess more than ten pounds of marijuana. A civil penalty may be imposed, in addition to any criminal penalty, upon a conviction of a violation of this section not to exceed ten thousand dollars.</p>
<p><b>22-42-7. Distribution or possession with intent to distribute specified amounts of marijuana.</b></p>	<p>The distribution, or possession with intent to distribute, of less than one-half ounce of marijuana without consideration is a Class 1 misdemeanor; otherwise, the distribution, or possession with intent to distribute, of one ounce or less of marijuana is a Class 6 felony. The distribution, or possession with intent to distribute, of more than one ounce but less than one-half pound of marijuana is a Class 5 felony. The distribution, or possession with intent to distribute, of one-half pound but less than one pound of marijuana is a Class 4 felony. The distribution, or possession with intent to distribute, of one pound or more of marijuana is a Class 3 felony. The distribution, or possession with intent to distribute, of less than one-half ounce of marijuana to a minor without consideration is a Class 6 felony; otherwise, the distribution, or possession with intent to distribute, of one ounce or less of marijuana to a minor is a Class 5 felony. The distribution, or possession with intent to distribute, of more than one ounce but less than one-half pound of marijuana to a minor</p>

	<p>is a Class 4 felony. The distribution, or possession with intent to distribute, of one-half pound but less than one pound of marijuana to a minor is a Class 3 felony. The distribution, or possession with intent to distribute, of one pound or more of marijuana to a minor is a Class 2 felony. A first conviction of a felony under this section shall be punished by a mandatory sentence in a state correctional facility or county jail of at least thirty days, which sentence may not be suspended. A second or subsequent conviction of a felony under this section shall be punished by a mandatory sentence of at least one year. Conviction of a Class 1 misdemeanor under this section shall be punished by a mandatory sentence in county jail of not less than fifteen days, which sentence may not be suspended. A civil penalty, not to exceed ten thousand dollars, may be imposed, in addition to any criminal penalty, upon a conviction of a felony violation of this section.</p>
<p><b>22-42-11. Inhabiting room where controlled substances illegally stored or used as misdemeanor.</b></p>	<p>Any person who inhabits a room knowing that any controlled drug or substance is being illegally stored or used therein, is guilty of a Class 1 misdemeanor.</p>
<p><b>22-42-16. Delivery or manufacture of noncontrolled substance represented to be controlled substance as felony.</b></p>	<p>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 a Class 6 felony.</p>

Federal Penalties for Illegal Possession of Controlled Substances:

**[21 USC CHAPTER 13, SUBCHAPTER I, Part D: Offenses and Penalties 21 USC 844a](#)**

1<sup>st</sup> conviction: Up to 1-year federal imprisonment and/or fined at least \$1000.

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) 1<sup>st</sup> conviction and the amount of crack possessed exceeding 5 grams.
- (b) 2<sup>nd</sup> crack conviction and the amount of crack possessed exceeding 3 grams.
- (c) 3<sup>rd</sup> 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 several 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 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 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 workplace 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 workplace.
3. The School will take appropriate action against any employee or student who is convicted for a violation occurring in the workplace 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 illicit 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. This policy is distributed to all employees and students annually. We review our Drug and Alcohol Policy for effectiveness at least once every two years through Campus Security reporting and by the number of drug and alcohol related disciplinary actions, treatment referrals, and incident reports to and from police. If changes are deemed necessary, they will be implemented, and the students/staff informed. **We have determined, as of our most recent review (June 2023), our program is reasonably effective. Stewart School has had no drug or alcohol related violations/fatalities or related sanctions over the past year.**