

# Current Challenges with Substance Using Adolescents: Getting Past No, Recent Drug Trends, and SB 100

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## Overview of SB100:

- Public Act 99-456
- Amends the School Code
- Effective Date: September 15, 2016
- Requires schools to adopt student discipline policies
- Applies to elementary schools, secondary schools, and charter schools

# Overview of SB100:

## School Exclusions

- Includes OSS and Expulsions
- School officials are required to limit the number and duration “to greatest extent practicable”
- Recommended to only use for “legitimate educational purposes”
- School officials required to consider forms of non-exclusionary discipline first , e.g. ISS or ALE

# Overview of SB100: Comparison

OSS $\leq$ 3 days	OSS > 3 days or Expulsion
<ul style="list-style-type: none"><li>• Threat to school safety; <u>or</u></li><li>• Disruption to other students' learning opportunities</li></ul>	<ul style="list-style-type: none"><li>• Appropriate and available behavioral and disciplinary interventions have been exhausted; AND</li><li>• Threat to the safety of others; or</li><li>• Substantially disrupt, impede, or interfere with the operation of the school</li></ul>

# Overview of SB100:

## Documentation

- **Expulsion**: specific reasons why removing the pupil from the school is in the best interest of the school
- **Suspension**: specific act of gross disobedience or misconduct resulting in the decision to suspend
- **Both**: required to explain rationale for duration
- **Both**: attempted interventions or determination that there were no appropriate and available interventions

## Other Legal Considerations:

### Confidentiality Statutes

- Health Insurance Portability and Accountability Act (HIPAA)
- Illinois Mental Health and Developmental Disabilities Confidentiality Act (IMHDDCA)
- Confidentiality of Substance Use Disorder Patient Records (42 CFR Part 2)

## Other Legal Considerations:

### Consent to Treatment

- Generally, only a parent can consent to medical treatment of a minor child
- Exception: A minor 12 y/o and older can consent to addiction treatment
- Exception: A minor 16 y/o and older can consent to inpatient treatment at a mental health facility
- Exception: A minor 12 y/o or older can consent to 5 sessions of outpatient mental health services

## Case Studies:

### Student Refusing Treatment

- Can the student get OSS because he refused treatment?
- How do you engage student?
- What resources are available to assist with breaking down resistant to treatment?



## Case Studies:

### Parent Refusing Treatment

- Can the student consent to treatment?
- What are best practices when the parent refuses treatment?
- What resources are available to assist?

# Case Studies:

## Sharing Information

- If the school sends a student to a provider for an assessment, will they receive the results of the assessment?
- What if the student refuses to sign a consent form to allow information to be shared?

## Case Studies:

### Paying for Treatment

- Will the District be required to pay for treatment recommended by the treatment provider?

# Questions?

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