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

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<th>OSS ≤ 3 days</th>
<th>OSS &gt; 3 days or Expulsion</th>
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<td>• Threat to school safety; or</td>
<td>• Appropriate and available behavioral and disciplinary interventions have been exhausted; AND</td>
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<td>• Disruption to other students’ learning opportunities</td>
<td>• Threat to the safety of others; or</td>
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<td>• Substantially disrupt, impede, or interfere with the operation of the school</td>
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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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