

## **CHAPTER 15.1-24 CHEMICAL ABUSE PREVENTION**

### **15.1-24-01. Chemical abuse prevention program - Rules.**

1. The superintendent of public instruction shall adopt rules regarding the implementation of chemical abuse prevention programs in this state's schools. The rules may include:
  - a. Community involvement through a citizens' advisory committee.
  - b. An assessment of services and resources available locally.
  - c. An assessment of student and staff needs.
  - d. The coordination of activities with public and private entities.
  - e. The development of an implementation plan.
  - f. An evaluation mechanism.
  - g. The development of a budget to fund the program.
2. If funds are appropriated or otherwise become available, the superintendent shall call for and review school district applications for development of a program. School districts may apply for funds independently or jointly. The superintendent shall award the funds according to the merit of each application.
3. The superintendent shall develop a plan for the coordination of services with other agencies, including the department of health and human services, the department of transportation, and law enforcement agencies.

### **15.1-24-02. Staff.**

The superintendent of public instruction may employ an individual as a chemical abuse project coordinator. The coordinator shall:

1. Develop rules, in consultation with other private and public entities.
2. Disseminate rules developed under this chapter.
3. Provide communities, through their schools, with technical assistance in the planning and implementation of a chemical abuse and prevention program.
4. Collect data for reporting and program evaluation purposes.
5. Facilitate coordination of this program with prevention and educational programs conducted by other state agencies.
6. Provide the superintendent of public instruction with a written program evaluation.
7. Serve as a resource specialist to schools regarding the development and implementation of chemical abuse prevention programs.

### **15.1-24-03. Chemical abuse preassessment team - Building level support team.**

Any school may appoint a chemical abuse preassessment team consisting of a school counselor, a social worker, and other appropriately trained individuals or a school may use a building support team to carry out chemical abuse prevention services under this chapter. The team shall review and act upon law enforcement reports of chemical abuse violations by students. Within fourteen days of receiving a report, the team shall determine whether to provide to the student, or if the student is a minor to the student's parent or guardian, information regarding chemical abuse and school and community services available to assist individuals who engage in chemical abuse.

### **15.1-24-04. Treatment or assistance records - Confidential.**

Any record of a student's medical treatment, use of a chemical abuse assistance program, or other individual record generated under this chapter, is confidential. It is not part of the student's educational record and may not be released without the written consent of the student, or if the student is less than age fourteen, without the written consent of the student's parent.

### **15.1-24-05. Law enforcement agencies - Duty to inform team.**

1. A law enforcement agency shall notify a school principal in writing if the agency has probable cause to believe that a student enrolled in the school has violated section 5-01-08, section 12.1-31-03, chapter 19-03.1, chapter 19-03.2, chapter 19-03.4,

section 39-08-01, or section 39-08-18. The law enforcement agency shall provide the notice within two weeks of an incident.

2. The principal shall forward the notice to the school's chemical abuse preassessment team or support team referenced in section 15.1-24-03.
3. Subsection 1 does not apply if, in the opinion of the law enforcement agency, providing the notice would jeopardize the conclusion of a criminal investigation.

**15.1-24-06. Report of chemical abuse - Immunity from liability.**

Any individual, other than the alleged violator, who in good faith reports or furnishes information regarding another's alleged chemical abuse to the chemical abuse preassessment team or the support team referenced in section 15.1-24-03, is immune from any liability, civil or criminal, that might otherwise result from the report. For the purpose of any proceeding, the good faith of a person reporting or furnishing information is presumed.