

# **A STATEMENT OF POLICY REGARDING THE POSSESSION, USE, AND SALE OF ALCOHOLIC BEVERAGES AND ENFORCEMENT OF STATE UNDERAGE DRINKING LAWS, AND POSSESSION, USE, AND SALE OF ILLEGAL DRUGS AND ENFORCEMENT OF FEDERAL AND STATE DRUG LAWS**

## **A DESCRIPTION OF DRUG AND ALCOHOL ABUSE PREVENTION PROGRAMS**

AMERICARE TECHNICAL SCHOOL publishes and distributes annually to all current students and employees a copy of the Drug and Alcohol Abuse Prevention Program. Below are the details related to this topic.

### **Drug and Alcohol Abuse Prevention**

Drug abuse affects all aspects of American life. It threatens the workplace, our homes, our schools and our community. The U.S. Department of Education requires institutions of higher education to implement a drug prevention and awareness program for their students and employees through the **Safe and Drug-Free Schools and Communities Act**. All students are expected to conduct themselves as mature adults and as members of an academic community. The consumption of alcohol or drugs while attending class is prohibited and may be subject to disciplinary action.

### **Standards of Conduct**

The School community must adhere to a code of conduct that recognizes that the unlawful manufacture, sale, delivery, unauthorized possession or use of any illicit drug is prohibited on property owned or otherwise controlled by AMERICARE TECHNICAL SCHOOL. If an individual associated with the School is apprehended for violating any drug- or alcohol-related law when on School property, or participating in a School activity, the School will fully cooperate with all law enforcement agencies. Underage possession or consumption of alcoholic beverages is not permitted on property owned or controlled by the School and the state laws will be enforced. Intentionally or knowingly selling, or intentionally or knowingly furnishing alcoholic beverages to persons under the age of 21, or to persons obviously inebriated, is not permitted on property owned or controlled by the School.

### **Health Risks Associated with the use of Illicit Drugs and the Abuse of Alcohol**

Moderate to high doses of alcohol cause marked impairments in higher mental functions and the loss of memory. High doses of alcohol can cause respiratory depression and death. Long-term consumption, particularly when combined with poor nutrition, can also lead to dependence and permanent damage to vital organs such as the brain and the liver. Physical effects of drugs include increased heart rate, bloodshot eyes, dry mouth and throat, and increased appetite. The use of drugs may impair or reduce short-term memory and comprehension, alter sense of time, and reduce the ability to perform tasks requiring concentration and coordination. Motivation and cognition may also be altered making the acquisition of new information difficult. As one can see from the above, there are major health risks associated with the use of illicit drugs and the abuse of alcohol.

## **Federal Financial Aid Penalties for Drug Violations**

Federal guidelines focus strongly on illicit drug use and distribution. The Higher Education Opportunity Act states students convicted of an illicit drug violation can be denied federal financial aid for a specific period, in addition to other legal penalties. The Free Application for Federal Student Aid (FAFSA) asks students if they have been convicted of a drug-related offense: "Have you ever been convicted of possessing or selling illegal drugs?" If you answer "yes," the School will send a worksheet in the mail to determine if your conviction affects your eligibility for aid. Failure to answer the question automatically disqualifies students from receiving federal financial aid. Answering this question falsely could result in fines up to \$20,000, imprisonment or both.

## **Penalties for Drug Convictions**

If the student was convicted of both possessing and selling drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period.

### **Possession of Illegal Drugs**

- For a first offense, a student loses eligibility for federal financial aid for one year from the date of conviction.
- For a second offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a third offense and subsequent offenses, a student has indefinite ineligibility for federal financial aid from the date of conviction.

### **Sale of Illegal Drugs**

- For a first offense, a student loses eligibility for federal financial aid for two years from the date of conviction.
- For a second offense and subsequent offenses, a student has indefinite ineligibility from the date of conviction.

## **Other Potential Federal Penalties for Drug Violations**

Some other potential federal penalties and sanctions applicable to drug-related offenses include:

### 21 U.S.C. 844

1st conviction: Up to 1 year imprisonment and fined at least \$1,000, or both.

After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years and fined at least \$2,500, 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, or both.

Provisions relating to increased penalties in cases of certain serious crack possession offenses, making offenders subject to fines under Title 18 or imprisonment to terms not less than 5 years and no more than 20 years, or both.

Possession of flunitrazepam shall be imprisoned for not more than 3 years, shall be fined as otherwise provided in this section, or both after mixture or substance exceeds 1 gram.

21 U. S. C. 844a

Civil fine up to \$10,000

21 U. S. C. 847 Additional Penalties

Any penalty imposed for violation of this subchapter shall be in addition to, and not in lieu of, any civil or administrative penalty or sanction authorized by law.

21 U. S. C. 854 Investment of illicit drug profits

Whoever violates this section shall be fined no more than \$50,000 or imprisoned not more than 10 years, or both.

21 U. S. C. 862

a. Drug Traffickers - Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 5 years for the first offense, up to 10 years for second and permanently ineligible for subsequent offenses.

b. Drug Possessors – 1<sup>st</sup> offense is up to 1 year and 2<sup>nd</sup> and subsequent offenses are up to 5 years.

c. Suspension of period of ineligibility (A) (B) (C) 21 U. S. C. 862.

Denial of assistance and benefits for certain drug related convictions, i.e., state program funded under the Social Security Act or food stamp program or state program under the Food Stamp Act.

More information about federal penalties and sanctions for unlawful possession, use, sale, and/or distribution of controlled substances is located at

<http://www.deadiversion.usdoj.gov/21cfr/21usc/index.html>

**Legal Consequences of Substance Abuse in the State of ILLINOIS**

There are a number of legal consequences that can occur as a result of substance abuse (drugs and/or alcohol). Under Illinois law, the sanctions listed below are imposed for offenses related to substance abuse. Even harsher punishments for drug trafficking are imposed at the federal level.

1. Possession of less than 2.5 grams of cannabis is a Class C misdemeanor for the first offense, with a fine up to \$500 and/or imprisonment for up to 30 days. Subsequent offenses or possession of higher amounts can raise the charge as high as a Class 1 felony, with a fine of up to \$25,000 and imprisonment for 4-15 years.
2. Manufacture or delivery of less than 2.5 grams of cannabis can constitute a Class B misdemeanor punishable by a fine of \$1,500 and imprisonment of up to 6 months. Subsequent offenses or offenses involving greater amounts of cannabis can raise the charge to a Class X felony punishable by a fine of up to \$200,000 and imprisonment for 6-30 years.
3. Possession of a controlled substance starts as a Class 4 felony with a fine of not more than \$25,000 and a sentence of not less than 1 year or more than 3 years. Depending on the

amount of substance involved, the individual can be charged with a Class 1 felony and fined not more than \$200,000 and imprisoned for not less than 10 years or more than 50 years.

4. Those involved in the manufacture or delivery of a controlled substance can be found guilty of a Class 3 felony with a fine of not more than \$75,000 and a sentence of not less than 2 years or more than 5 years. Depending on the amount of the controlled substance, the charge can go as high as a Class X felony with a fine of not more than \$500,000 and a sentence of not less than 6 years or more than 30 years.
5. Illegal possession of alcohol by someone under 21 years of age is a Class A misdemeanor punishable by a fine up to \$2,500 and a sentence up to 6 months in jail.
6. Those found guilty of distributing alcohol to anyone under 21 years of age are guilty of a Class A misdemeanor with a fine up to \$2,500 and a sentence up to 1 year in jail.
7. Those individuals who are charged with driving under the influence of alcohol where the blood alcohol content is greater than 0.08 can be found guilty of a Class A misdemeanor with a fine up to \$1,000, a sentence up to 1 year in jail, and a 1 year suspension of their driver's license. Additional offenses can increase the crime to a Class 4 felony with a fine up to \$25,000 and a sentence up to 10 years. It can also result in a more permanent loss of an individual's driver's license. Drivers under 21 years of age who are found guilty of driving under the influence of alcohol will find consequences in excess of those listed above.

## **ILLINOIS State Alcohol Laws Influenced Driving**

Each year in Illinois, hundreds of people die needlessly as the result of drinking or drugged driving. Hundreds more are seriously injured or permanently disabled, and millions of dollars of property damage occur. Here are some things you should know about the consequences of drinking and driving in Illinois.

### **DUI Information for Adults**

#### **DUI Conviction Penalties**

First DUI conviction

- Minimum of one-year loss of full driving privileges.
- Possible imprisonment for up to one year.
- Maximum fine of \$1,000.

Second DUI Conviction

- Minimum five-year loss of full driving privileges for a second conviction in a 20-year period.
- Mandatory 48 hours in jail or 10 days community service for a second conviction in a five-year period.
- Possible imprisonment for up to one year.
- Maximum fine of \$1,000.

Third DUI Conviction - Class 4 felony

- Minimum ten-year loss of full driving privileges.
- Possible imprisonment for up to three years.
- Maximum fine of \$10,000.

## **Other Alcohol Offenses**

Felony DUI - Class 4 felony (following a crash resulting in great bodily harm or permanent disfigurement.)

- Loss of full driving privileges for a minimum of one year.
- Possible imprisonment for one to three years.
- Maximum fine of \$10,000.

Providing Alcohol to a Person Under Age 21

- Possible imprisonment for up to one year.
- Maximum fine of \$2,500.

Illegal Transportation of an Alcoholic Beverage

- Maximum fine of \$1,000.
- Point-assigned violation will be entered on driver's record.
- Driver's license suspension for a second conviction in a 12-month period.

Knowingly Permitting a Driver Under the Influence to Operate a Vehicle

- Possible imprisonment for up to one year.
- Maximum fine of \$2,500.

Summary Suspension

First Offense:

- A chemical test indicating a BAC of .08 or greater results in a mandatory three-month driver's license suspension.
- Refusal to submit to a chemical test(s) results in a six-month license suspension.

Subsequent Offenses:

- Refusal to submit to a chemical test(s), or test results indicating a BAC of .08 or greater, results in a mandatory 12 months driver's license suspension.

## **Teenage Drinking and Driving**

Drivers under age 21 represent 10% of licensed drivers but are involved in 17% of alcohol-related fatal crashes. If you are arrested for DUI you will be handcuffed and taken to jail. What will your parents say when you call home and tell them you are in jail? Illinois DUI laws for drivers under 21 years of age are tough and will affect your life for years—if you live that long. Crashes are a leading cause of death for teens. Nationally, six individuals between the ages of 15 - 20 die in motor vehicle crashes each day. About 2 in every 5 Americans will be involved in an alcohol-related crash at some time in their lives.

## **Legal Consequences of Underage Drinking and Driving**

First Underage 21 DUI Conviction

- Loss of full driving privileges for a minimum of 2 years.
- Possible imprisonment for up to 1 year.
- Maximum \$2,500 fine.

### Second Underage 21 DUI Conviction

- Loss of full driving privileges for a minimum of 5 years or until age 21, whichever is longer.
- Mandatory 5 days in jail or 30 days community service if prior offense within 5 years.
- Possible imprisonment for up to 1 year.
- Maximum \$2,500 fine.

### Third Underage 21 DUI Conviction - Class 4 Felony

- Loss of full driving privileges for a minimum of 10 years.
- Mandatory 10 days imprisonment or 60 days community service.
- Possible imprisonment for 1-3 years.
- Maximum \$25,000 fine if prior offense within 5 years.

### **Aggravated DUI**

Class 4 Felony (Following a crash resulting in great bodily harm or permanent disfigurements)

- Loss of full driving privileges for a minimum of 1 year.
- Possible imprisonment for 1-12 years.
- Maximum fine of \$25,000.

### **Underage Illegal Transportation of an Alcoholic Beverage**

- Maximum fine of \$1,000.
- Driver's license suspended for first conviction.
- Driver's license revoked for a second conviction.

### **Summary Suspension**

- A chemical test indicating a blood alcohol concentration (BAC) of .08 or greater results in a 3-month driver's license suspension.
- Refusal to submit to a chemical test(s) results in a 6-month license suspension.
- For subsequent offenses, a chemical test indicating a BAC of .08 or greater results in a 12-month driver's license suspension.
- Refusal to submit to a chemical test(s) results in a 36-month driver's license suspension.

### **Possession of Alcoholic Beverages**

It is illegal for any person under the age of 21 to have alcoholic beverages in their possession, whether open or unopened. Penalties include:

- A maximum of \$2,500 fine and up to one year in jail.

### **Using a Fake Illinois Driver's License or ID Card**

The penalties for using false IDs are serious and could change your life forever.

- Obtaining a driver's license through false affidavit is punishable by 1-3 years in prison and a maximum \$25,000 fine.
- Allowing another person to use your identification documents to apply for a driver's license or ID card is punishable by 1-3 years in prison and a maximum \$25,000 fine.

**Zero Tolerance Law for Underage Drinking and Driving**

Zero tolerance is a state law that went into effect on January 1, 1995. The law provides for suspension of the driving privileges of any person under the age of 21 who drives after consuming alcohol. Like the name zero tolerance suggests, any trace of alcohol in a young person's system can result in a suspended driver's license. There are exceptions— minors who consume alcohol as part of a religious service or those who ingest a prescribed or recommended dosage of medicine containing alcohol.

**Penalties for Drinking and Driving**

The Zero Tolerance Law provides that minors can have their driving privileges suspended even if they're not intoxicated at the .08 level. The following table shows the length of time your driving privileges may be suspended under the Zero Tolerance Law (for BAC of .01 or greater) and DUI Laws (for BAC of .08 or greater). The loss of driving privileges is greater if you refuse to take a sobriety test.

**Under Zero Tolerance Law / Under DUI Laws**

		If Test Refused		If Test Refused
1st Violation	3 Months	6 Months	2 Years	2 Years
2nd Violation	1 Year	2 Years	Until age 21 or 5 years minimum	Until age 21 or 5 years minimum

**Effect on Your Driving Record**

- Zero Tolerance (BAC of .01 or greater) – Except during suspension period, not on public driving record as long as there is no subsequent suspension.
  - DUI Conviction (BAC of .08 or greater) – Permanently on public driving record.
- Under certain conditions, you may be charged with DUI even though your BAC is below .08.

**How You Can Help Report Drunk Drivers**

You can help by reporting suspected drunk drivers to your nearest State Police Headquarters. From your cellular telephone or citizens band radio, provide us with the following information:

- The location you are calling from.
- Time, location, direction of travel and a description of the suspected drunk driver.
- The make, color, and license plate number of the car.

**Blood Alcohol Content Table**

This table shows the effects of alcohol on a normal person of a given body weight. Please do not take this table as a license to drink irresponsibly. Everyone is different, and alcohol affects each person in a slightly different way. Only you know your limits. Please drink within them.

One drink equals:

\* 1 oz. 86 proof Liquor,  
or

\* 3 oz. wine, or

\* 12 oz. Beer

Levels of Intoxication:

BAC less than .05% - Caution

BAC .05 to .079% - Driving Impaired

BAC .08% & up - **Presumed Under the Influence**

Number of Drinks

Body Weight	1	2	3	4	5	6	7	8	9
100	0.032	0.065	0.097	0.129	0.162	0.194	0.226	0.258	0.291
120	0.027	0.054	0.081	0.108	0.135	0.161	0.188	0.215	0.242
140	0.023	0.046	0.069	0.092	0.115	0.138	0.161	0.184	0.207
160	0.020	0.040	0.060	0.080	0.101	0.121	0.141	0.161	0.181
180	0.018	0.036	0.054	0.072	0.090	0.108	0.126	0.144	0.162
200	0.016	0.032	0.048	0.064	0.080	0.097	0.113	0.129	0.145
220	0.015	0.029	0.044	0.058	0.073	0.088	0.102	0.117	0.131
240	0.014	0.027	0.040	0.053	0.067	0.081	0.095	0.108	0.121

This table shows the effects of alcohol within one hour on a normal person of a given body weight.

## **How to Regain Federal Student Aid Eligibility**

1. A student can regain eligibility for federal student aid funds the day after the period of ineligibility ends or upon having a conviction reversed, set aside, or removed from the student's record so that fewer than two convictions for sale of illegal drugs or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.
2. A student may also regain eligibility upon successful completion of a qualified drug rehabilitation program that must:
  - Include the student passing at least two unannounced drug tests;AND
  - Have received or is qualified to receive funds directly or indirectly under a federal, state or local government program, or
  - Be administered by a federal, state, or local government agency or court, or
  - Be qualified to receive payment directly or indirectly from a federally or state-licensed insurance company, or
  - Be administered or recognized by a federally or state-licensed hospital, health clinic, or medical doctor.
3. A student may further regain eligibility upon successful completion of two unannounced drug tests which are part of an approved rehab program (the student does not need to complete the rest of the program).

The student is responsible to certify that a rehabilitation program was successfully completed. As with the conviction question on the FAFSA, the School is not required to confirm the reported information unless conflicting information is determined.

### **Convictions during Enrollment**

Federal regulations require enrolled students convicted of a drug offense after receiving federal financial aid to notify AMERICARE TECHNICAL SCHOOL immediately. The student will then become ineligible for further federal financial aid and must repay federal financial aid received after the conviction.

The following are community resources places for students to be referred.

### **Community Resources**

#### **SAMHSA's National Helpline**

1-800-662-HELP (4357)

1-800-487-4889 (TTY)

#### **Association for Multicultural Behavioral Health LLC**

6650 North Northwest Highway

Suite 215

Chicago, IL 60631

Main Tel: 773-313-3757

**Eric Gordon and Associates**

2644 Dempster Street

Suite 115

Park Ridge, IL 60068

Main Tel: 847-824-1700

**Counseling Center of Illinois Inc**

4830 North Cumberland Avenue

Suite 11-B

Harwood Heights, IL 60706

Main Tel: 773-777-6767

**DUI Counseling Center**

**Cumberland Business Center**

4701 North Cumberland Avenue

Suite 28

Harwood Heights, IL 60706

Main Tel: 773-489-5200

**Advocate Addiction Treatment Program**

701 Lee Street

Suite 800

Des Plaines, IL 60016

Main Tel: 847-795-3100

Intake Tel 2: 847-795-3921

**Soft Landing Interventions**

1460 Market Street

Suite 300

Des Plaines, IL 60016

Main Tel: 630-261-9220

**Family Guidance Centers Inc**

484 Lee Street

Des Plaines, IL 60016

Main Tel: 847-827-7517

**Relapse Prevention Counseling Center**

1330 Webford Street

Des Plaines, IL 60016

Main Tel: 847-824-2475

**Maryville Academy/Family Behavioral  
Health Clinic**

1455 East Golf Road  
Suite 210  
Des Plaines, IL 60016  
Main Tel: 847-390-3004

**Holy Family Medical Center  
Keys to Recovery**

100 North River Road  
Des Plaines, IL 60016  
Main Tel: 847-298-9355 x2394  
Intake Tel 1: 847-298-9355  
Intake Tel 2: 847-297-1800 x2375

**Innovative Healthcare LLC**

5559 West Howard Street  
Suite A  
Skokie, IL 60077  
Main Tel: 847-410-8785  
Intake Tel 1: 847-410-8785 x102  
Intake Tel 2: 847-410-8785 x101

**Renacer Latino Inc**

4225 Commercial Way  
Glenview, IL 60025  
Main Tel: 847-336-7302

**Lifeline Counseling Center Inc**

333 Waukegan Road  
Suite F  
Glenview, IL 60025  
Main Tel: 847-626-5001

**Youth Outreach Services**

**Irving Park**

6417 West Irving Park Road  
Chicago, IL 60634  
Main Tel: 773-777-7112

## Online Resources

Learn more about addiction and substance abuse at the following sites:

<http://addiction-intervention.com>

<http://www.addictionrecov.org>

<https://www.drugabuse.gov/>

<http://www.samhsa.gov>

### **Institutional Sanctions for Alcohol and Drug Violations**

Any member of the School community found consuming or selling drugs on School property shall be subject to discipline on a case-by-case basis.

- Discipline will be based on the seriousness of the situation.
- A case may result in dismissal from the School.
- In all cases, the School will abide by local, state and federal sanctions regarding unlawful possession of drugs and the consumption of alcohol.
- Additional state penalties and sanctions may also apply.
- The School has adopted a zero-tolerance policy regarding underage drinking.
- Successful completion of an appropriate rehabilitation program by an individual confirmed to have been in violation of alcohol or drug policies and/or laws who has since sought admission or readmission to the school will be considered on a case-by-case basis.

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The expectations set forth in the school's Standards of Conduct related to drug and alcohol use is discussed earlier. Those expectations, as well as the provision of the related risks and consequences with the penalties and possible sanctions being highlighted, are re-emphasized and distributed to students and employees at least annually. Additionally, drug and alcohol counseling resources are made known to all members of the school community.

## **Biennial Review of the Drug and Alcohol Abuse Prevention Program**

Schools are required to conduct a biennial review of their drug and alcohol abuse prevention program. This review must include a determination of the number of drug and alcohol-related violations and fatalities that occur on the institution's campus or as part of the institution's activities and the number and type of sanctions imposed by the institution as a result of drug and alcohol-related violations and fatalities that occur on the institution's campus or as part of the institution's activities.

The term “campus” is defined in the same manner as it is defined for campus safety reporting purposes. That is, the term campus encompasses any building or property owned or controlled by the school within a reasonably contiguous geographic area used in direct support of the school's educational purposes or used by students and supporting institutional purposes.

The effectiveness of AMERICARE TECHNICAL SCHOOL’S prevention program is, in part, also measured by tracking the number of drug and alcohol-related

- disciplinary actions,
- treatment referrals, and
- incidents recorded by campus officials.

Additionally, to assist in the determination of the effectiveness of AMERICARE TECHNICAL SCHOOL’S prevention program, the school considers, if and when the school is made aware, the number of students or employees attending self-help or other counseling groups related to alcohol or drug abuse. The school also conducts a survey to ascertain student, faculty, and employee attitudes and perceptions about whether there is a drug and alcohol problem on campus.

With the results gathered from the various points of information described above, the school writes its report giving the results of the biennial review and its determination of whether the program is being effective or must be modified. The school keeps the biennial review on file in case of a possible audit. Schools are not required to send their review to the U.S. Department of Education unless requested to do so. AMERICARE TECHNICAL SCHOOL conducts its biennial review every other year (odd). The report from the review and documents related to it are retained for three years after the fiscal year in which the report was created.