

418 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances, medical cannabis, and controlled substances without a physician's prescription that complies with all applicable provisions of State and Federal law.

II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol at any school district location, before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited at all school district locations.
- B. A violation of this policy occurs when any student, teacher, administrator, other school district personnel, or member of the public uses or possesses alcohol, toxic substances, or controlled substances, or medical cannabis in any school district location or while representing the school district away from a school district location.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, school personnel, or member of the public who violates this policy.

III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine, or other intoxicating liquor.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, marijuana, anabolic steroids, or any other controlled substance as defined in Schedules I through V of the Controlled Substances Act, 21 U.S.C. § 812 (as amended), including analogues and look-alike drugs.
- C. "Medical Cannabis" means any species of the genus cannabis plant, or any mixture or preparation of them, including whole plant extracts and resins, and is delivered in the form of:

1. Liquid, including, but not limited to oil;
 2. Pill;
 3. Vaporized delivery method with use of liquid or oil but which does not require the use of dried leaves or plant form; or
 4. Any other method, excluding smoking, approved by the Commissioner of Health.
- D. “Possess” means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- E. “School district location” includes any school building or on any school premises; in any school-owned vehicle or in any other school-approved vehicle used to transport students to and from school or school activities; off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the school district; or during any period of time such employee is supervising students on behalf of the school district or otherwise engaged in school district business.
- F. “Toxic substances” includes glue, cement, aerosol paint, or other substances used or possessed with the intent of inducing intoxication or excitement of the central nervous system.
- G. “Use” includes to sell, buy, manufacture, distribute, dispense, possess, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.

IV. EXCEPTIONS

- A. It shall not be a violation of this policy for a person to bring onto a school location, for such person’s own use, a controlled substance, except medical cannabis, that has a currently accepted medical use as treatment in the United States and for which the person has a physician’s prescription that complies with applicable provisions of State and Federal law, including the Controlled Substances Act (as amended). The personal shall comply with the relevant procedures of school district policy.
1. Regardless of whether a person has a medical prescription for medical cannabis and is possessing or using the cannabis as prescribed, no person is permitted to possess or use medical cannabis on any school bus or van; on the grounds of any preschool or primary or secondary school; school; or on the grounds of any child care facility.
 2. Regardless of whether a person has a medical prescription for medical cannabis and is using it as prescribed, no person is permitted to vaporize

medical cannabis on any form of public transportation; where the vapor may be inhaled by a non-patient minor child; or in any public place, including indoor and outdoor areas open to the general public or at a place of employment, as defined by Minnesota law.

3. Regardless of whether a person has a medical prescription for medical cannabis and is using the cannabis as prescribed, no person is permitted to operate, navigate or be in actual physical control of any motor vehicle owned by the school district or working on any transportation property, equipment, or facilities owned or operated by the school district while under the influence of medical cannabis.
- B. It shall not be a violation of this policy for a person to possess an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories; pursuant to a temporary license to sell liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance, except medical cannabis, must provide a copy of the prescription and the medication to the school nurse, principal, or other designated staff member. The school district's school nurse, trained health clerk, principal, or teacher will administer the prescribed medication in accordance with school district procedures. Notwithstanding this paragraph, students shall not be permitted to possess a controlled substance otherwise prohibited as set forth in Section IV.A.
- B. Employees who have a prescription from a physician that complies with applicable State and Federal law, for medical treatment with a controlled substance, except medical cannabis, are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor before using the controlled substance at a school district location or arriving to work under the influence of a controlled substance. The employee may be required to provide a copy of the prescription. Notwithstanding this paragraph, employees shall not be permitted to possess a controlled substance otherwise prohibited as set forth in Section IV.A.
- C. Each employee shall be provided with written notice of this Drug-Free Workplace/Drug-Free School policy and shall be required to acknowledge that he or she has received the policy.

[Note: The Drug-Free Workplace Act requires that school district employees be notified by a published statement of the prohibition of the use of controlled

substances and actions that will be taken against employees for violations of such prohibition. 41 U.S.C. § 8103; 34 C.F.R. Part 84. An acknowledgement will document satisfaction by the school district of this federal requirement.

- D. Employees are subject to the school district's drug and alcohol testing policies and procedures.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.
- F. No person is permitted to possess or use medical cannabis on a school bus or van; or on the grounds of any preschool or primary or secondary school; or on the grounds of any child care facility.
- G. Possession of alcohol on school grounds pursuant to the exceptions of Minn. Stat. § 624.701, Subd. 1a, shall be by permission of the school board only. The applicant shall apply for permission in writing and shall follow the school board procedures for placing an item on the agenda.

VI. ENFORCEMENT

A. Students

- 1. A student who violates the terms of this policy shall be subject to discipline in accordance with the school district's discipline policy. Such discipline may include suspension or expulsion from school.
- 2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials where appropriate.

B. Employees

- 1. As a condition of employment in any program or activity receiving federal grant funds, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction. Conviction means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the federal or state criminal drug statutes.
- 2. An employee who violates the terms of this policy is subject to disciplinary action, up to and including nonrenewal, suspension, and

immediate termination, or discharge as deemed appropriate by the school board.

3. In addition, any employee who violates the terms of this policy may be required to satisfactorily participate in a drug and/or alcohol abuse assistance or rehabilitation program approved by the school district. Any employee who fails to satisfactorily participate in and complete such a program is subject to nonrenewal, suspension, or termination as deemed appropriate by the school board.
4. Sanctions against employees, including nonrenewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements, and school district policies.

C. The Public

A member of the public who violates this policy shall be informed of the policy and asked to leave school district property. If necessary, law enforcement officials will be notified and asked to provide an escort.

Legal References: Minn. Stat. § 121A.22 (Administration of Drugs and Medicine)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 609.684 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Alcohol in Certain Buildings or Grounds)
20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act)
21 U.S.C. § 812 (Schedules of Controlled Substances)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

Cross-References: Policy 403 (Discipline, Suspension and Dismissal of School District Employees)
Policy 416 (Drug and Alcohol Testing)
Policy 417 (Chemical Use/Abuse)
Policy 506 (Student Discipline)
Policy 516 (Student Medication)