



## **507.1 CHEMICAL USE/ABUSE**

### **I. PURPOSE**

The School Board recognizes that chemical use and abuse constitutes a grave threat to the physical and mental well being of students and employees and significantly impedes the learning process and maintenance of an effective and safe work environment. Tobacco, alcohol, and other unauthorized and illegal drug use by students ~~and employees~~ are wrong and harmful. The School Board believes that the public schools have a role in education, intervention, and prevention of chemical use and abuse. This includes the importance of adult role modeling for students during formative years. The purpose of this policy is to assist the school district in maintaining a safe and ~~healthful~~ healthy environment for students and employees by prohibiting the use, possession, sale or transfer of tobacco, alcohol, toxic, simulated and/or controlled substances at school ~~without a physician's prescription and~~ to confirm and support existing laws which govern the use of chemicals.

### **II. GENERAL STATEMENT OF POLICY**

- A. The use, possession, sale, or transfer of tobacco, alcohol, toxic, simulated and/or controlled substances or associated paraphernalia in school, on school transportation, at school-sponsored events, or in any other school-related location is prohibited.
- B. It is the policy of this school district to provide an instructional program in every elementary and secondary school that addresses the prevention of chemical use, chemical abuse, and chemical dependency.
- C. The school district shall establish and maintain in every school a chemical abuse pre-assessment team. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
- D. It will be the responsibility of the Superintendent/designee, with the advice of the School Board, to establish a school and community advisory team to address chemical abuse problems in the district.
- E. The school district may recommend that any student ~~or employee~~<sup>[MJW2]</sup> submit to chemical use testing/assessment in accordance with this policy and within state and federal guidelines in respect to data privacy and applicable language, if any, in negotiated collective bargaining agreements.

~~F. Students who bring prescription to school must notify the Health Services Office in the respective school. Medications will be dispensed to a student by school~~

~~personnel only upon written direction from a physician and the parent or guardian.~~<sup>[MJW3]</sup>

### III. DEFINITIONS

#### A. Chemicals include:

1. **Alcohol** includes any alcoholic beverage, malt beverage, or fortified wine or other intoxicating liquor.

2. **Tobacco** is defined as cigarettes, cigars, cheroots, stogies, perique, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine cut and other chewing tobacco, shorts, refuse scraps, clippings, cuttings and sweepings to tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or other tobacco-related devices.

3. **Controlled substances** include: narcotic drugs, hallucinogenic drugs, amphetamines, barbiturates, cannabis (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, including analogues and “look alike”/simulated drugs.

4. **Toxic substances** includes glue, cement, aerosol paint, or, for purposes of this policy, any substance that causes involvement of the central nervous system.

B. **School District Location** includes any school building or on any school premises; on 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 functions, 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.

C. **Chemical use** is defined as drinking, sniffing, smoking, swallowing, chewing ingesting, injecting or otherwise absorbing into the body, chemicals as defined in this policy. Chemical use also includes being under the influence of chemicals.

D. **Provider** is defined as any person selling drugs or providing drugs for other persons whether money is involved or not.

E. **Consumption** is defined as any ingestion of any chemical in any form; being under the influence of any chemical.

F. **Being under the influence** is defined as having ingested or otherwise introduced chemical substances into one's bodily system to an extent that physical and mental processes are impaired and there is discernable evidence of such symptoms as problems with coordination and balance, slurred speech, irrational behavior, glassy eyes, odors, or the like that is not attributable to other causes.

G. **Chemical abuse** is defined as the use of any psychoactive or mood-altering chemical substance, without compelling medical reason, in a manner that induces mental, emotional, or physical impairment and causes socially dysfunctional or socially disordering behavior, to the extent that normal functioning in academic, school, social activities, or the workplace is chronically impaired.

H. **Possess** is defined as bringing any chemical into a school, on school grounds, or to a school activity; to have chemicals on one's person, among one's belongings or under one's control while in school, on school grounds, or to a school activity; to have chemicals on one's person, among one's belongings or under one's control while in school, on school grounds, on school transportation, or at a school sponsored activity, regardless of whether the person was then aware of the possession.

I. **Drug paraphernalia** is defined as all equipment, products, and materials of any kind, except those items used in conjunction with permitted uses of controlled substances under this chapter of the Uniform Controlled Substances Act, which are knowingly or intentionally used primarily in:

1. manufacturing a controlled substance;
2. injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance;
3. testing the strength, effectiveness, or purity of a controlled substance; or
4. enhancing the effect of a controlled substance.

J. **Chemical use pre-assessment** is defined as the gathering of observable information (i.e., attendance, discipline records, behaviors of concern) from parents, school staff, fellow workers, supervisors, and/or the student or employee for the purpose of determining if the pre-assessment team will recommend to the student and parent(s) or employee that a formal chemical use test and/or assessment/evaluation be obtained from a health professional.

K. **Chemical use test** is defined as ~~the technology~~ any type of device or test (~~i.e., e.g.~~ breathalyzer for alcohol consumption, urinalysis for a number of substances) that is used or administered to determine if ~~the consumption of a substance~~ chemical use has occurred.

#### IV. STUDENTS

##### A. Instruction

1. Every elementary and secondary school will provide an instructional program in chemical use/abuse and the prevention of chemical dependency. The school district ~~shall~~ may involve parents, students, health care professionals, state department staff, and other members of the community with a particular interest in chemical dependency prevention in developing the curriculum.

2. Each school ~~shall~~ will have age-appropriate, developmentally-based drug and alcohol prevention and education programs for all students that address the legal, social, personal and health consequences of the use of chemicals, promote a sense of individual responsibility, and provide information about effective techniques for resisting pressure to use chemicals.

##### B. Pre-Assessment Teams

1. Every school that participates in the school district chemical abuse program ~~shall~~ will have a chemical use/abuse pre-assessment team. The team will be composed of classroom teachers, administrators, and, to the extent they exist in each school, school nurse, school counselor or psychologist, social worker, chemical health prevention specialist, and other appropriate staff.

2. The pre-assessment team is responsible for addressing reports of chemical use/abuse problems, and making recommendations for appropriate responses to the individual reported cases.

3. Within forty-five (45) days after receiving an individual reported case, the pre-assessment team ~~shall~~ will make a determination whether to provide the student and, in the case of a minor, the student's parents with information about school and community services in connection with chemical use/abuse.

##### C. Reports of Chemical Use/Abuse

1. In the event that a school district employee knows that a student is in violation of this policy, the employee ~~shall~~ will either take the student to an administrator or notify an appropriate administrator of the observation and continue to observe the student until the administrator arrives.

2. The administrator ~~will~~ may confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control in accordance with school board policies regarding search and seizure.

3. The administrator will notify the student's parent(s). If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.

4. The administrator will notify law enforcement officials, the student's counselor, and the chemical use/abuse pre-assessment team to the extent permitted under the Minnesota Government Data Practices Act.

5. The school district will take appropriate disciplinary action. Such discipline may include immediate suspension, initiation of expulsion proceedings, exclusion from extra-curricular activities, referral to law enforcement, and ~~or~~ referral for a chemical use/abuse assessment/evaluation at a health/medical facility.

6. If a school district employee has reason to believe or suspect that a student is using ~~and~~/or possessing chemicals, the employee ~~shall~~ will notify a building administrator and ~~shall~~ will describe the basis of the belief or suspicion. Action may include, but are not necessarily limited to, conducting an investigation, gathering data, and scheduling a conference with the student and/or parent(s) or providing a meeting of a pre-assessment team member and the student to discuss the behaviors that have been reported in an attempt to ascertain if the behaviors are associated with chemical use.

7. If there is a chemical use issue, there will be an appropriate course of disciplinary action as outlined in paragraph 5 above, and the student and, in the case of a minor, the student's parent(s) will be provided with information about school and community services in connection with chemical use/abuse.

8. In the event that an employee knows or has reason to believe or suspect that a student is involved in the distribution, providing or sale of chemicals in a school location, the employee ~~shall~~ will either take the student to an appropriate administrator or will notify an administrator and continue observation until the administrator arrives.

9. The administrator ~~shall~~ will notify law enforcement officials and parent(s) of the known attempt to distribute, provide, receive, buy, or sell one or more chemicals. Students involved in distribution, providing or receiving chemicals shall be suspended in compliance with Student Discipline Policy #506 and the Pupil Fair Dismissal Act, and proposed for expulsion.

10. Searches in connection with distribution or providing of chemicals will be conducted in accordance with school board policy related to search and seizure Board Policy #502.

D. Data Practices

1. Student data related to chemical use may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 and applicable federal law and regulations.

2. Destruction of records.

(a) If the pre-assessment team determines that no action is required, records created or maintained by the pre-assessment team about the student's chemical use shall be destroyed not later than six (6) months after determination is made or as required by state law.

(b) If the pre-assessment team decides to provide the student, and in the case of a minor, the student's parent(s) with information about the school or community services in connection with chemical use/abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the student is no longer enrolled in the district.

(c) This section shall govern destruction of records notwithstanding provisions of the Records Management Act.

E. Emergency Treatment

Medical, ~~dental, mental~~ and other health services may be rendered to minors of any age without the consent of a parent or legal guardian when, in the professional's judgment, the risk to the minor's life or health is of such a nature that treatment should be given without delay and the requirement of consent would result in delay or denial of treatment.

F. School and Community Advisory Team

1. The Superintendent/designee, with the advice of the School Board, ~~shall~~ will establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school pre-assessment teams, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.

2. The advisory team ~~shall~~ will:

(a) build awareness of the problem within the community, identify available treatment and counseling programs for students, and develop good working relationships and enhance communication between the schools and other community agencies; and

(b) develop a written procedure clarifying the notification process to be used by the chemical abuse pre-assessment team when a student is believed to be in possession of, or under the influence of, alcohol or a controlled substance. The procedure must include contact with the student, and the student's parents or guardian in the case of a minor student.

~~V. EMPLOYEES~~<sup>[MJW4]</sup>

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- ~~A. The Superintendent/designee or designee shall undertake and maintain a drug free awareness and prevention program to inform employees about:~~
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  - ~~1. The dangers and health risks of chemical abuse in the workplace.~~
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  - ~~2. The school districts drug free workplace/drug free school policy.~~
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  - ~~3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees.~~
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- ~~B. Employees who violate the terms of this policy may be required to participate satisfactorily in a chemical abuse assistance or rehabilitation program approved by the school district. Employees who fail to participate satisfactorily in and complete such a program are subject to suspension, non-renewal, or termination of employment as deemed appropriate by the School Board and consistent with applicable state and federal laws and collective bargaining agreements.~~
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- ~~C. Employees who violate the terms of this policy are subject to disciplinary action, up to and including suspension, non-renewal, or immediate termination of employment and referral for prosecution as deemed appropriate by the School Board and consistent with applicable state and federal laws and collective bargaining agreements.~~
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~~D.—The Superintendent/designee or designee shall notify any federal granting agency required to be notified under the Drug-Free Workplace Act of 1988 within ten (10) days after receiving notice of a conviction of an employee for a violation of a criminal drug statute occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the Superintendent/designee.~~

## VI. DISSEMINATION OF POLICY

A copy of this policy shall be made available in each building and district facility or on the District's website.

### Legal References:

Board Policy # 502 (Search of Student Lockers, Desks, Personal Possessions and Student's persons)

Controlled Substances Act, 21 U.S.C. 812

Minnesota Statute §126.034 (Pre-assessment Teams)

Minnesota Statute §152.01, Subd. 18 (Drug Paraphernalia)

Minnesota State Rule 25 (Chemical use assessment/evaluation)

Title IV: Section 4116 (Student Instruction)

Minnesota Statute §126.031 (Pre-Assessment Teams)

Minnesota Statute §126.037 (Reports of chemical use/abuse)

Student Discipline Policy 506

Minnesota Statute §127.39 (Fair Pupil Dismissal Act)

Minnesota Statute §13.32 (Student Data Practices)

Minnesota Statute §144.343 (Minor Consent)

Minnesota Statute §144.344 (Emergency Treatment))

Title IV: Section 4115 (School and Community Advisory Team)

Minnesota Statute §126.035 (School and Community Advisory Team)

Drug-Free Workplace Act of 1988

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**POLICY ADOPTED:** February 17, 2009

**POLICY REVISED:** December 4, 2014

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[MJW1]This policy is largely duplicative of Policy 417. I agree that this policy belongs in the student section, and not in the employee section.

[MJW2]This is covered under Policy 416, which is the District's employee drug testing policy.

Recommending that employees submit to testing outside of that policy is illegal under Minnesota law.



[MJW3]This is covered under Policy 516, which more fully addresses the topic of prescription medications at school.

[MJW4]This is a student policy. Other policies, including Policies 416 through 419, apply to employee conduct.