

Policy #: 418
Title: DRUG-FREE WORKPLACE AND DRUG-FREE SCHOOL
Date of Initial Approval: 08-23-2018
Revision/Re-authorization Dates: 08-21-2021
Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services; MSA Human Resources Office; MSA Superintendent

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students at the Minnesota State Academies (MSA) by prohibiting the use of alcohol, toxic substances, medical cannabis, and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A. Use or possession of controlled substances, toxic substances, medical cannabis, and alcohol 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.
- B. A violation of this policy occurs when any MSA student, teacher, administrator, employee, board member, contractor, or member of the public uses or possesses alcohol, toxic substances, controlled substances, or medical cannabis in any school location.
- C. MSA will act to enforce this policy and to discipline or take appropriate action against any student, teacher, administrator, employee, board member, contractor, 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, 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.

- D. **“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.
- E. **“Use”** includes selling, buying, manufacturing, distributing, dispensing, possessing, using, or being under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration or consideration.
- F. **“Possess”** means to have on one’s person, in one’s effects, or in an area subject to one’s control.
- G. **“School 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 MSA or otherwise engaged in MSA business.

IV. EXCEPTIONS

- A. A violation of this policy does not occur when a person brings onto a school location, for such person’s own use, a controlled substance which has a currently accepted medical use in treatment in the United States and/or Minnesota and the person has a physician’s prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. A violation of this policy does not occur when a person possesses an alcoholic beverage in a school location when the possession is within the exceptions of Minn. Stat. § 624.701, Subd. 1a (experiments in laboratories)

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the school district’s student medication policy. Students who have a prescription from a physician for medical treatment with a controlled substance must provide a copy of the prescription and the medication to the MSA Director of Health Services. The director of health services and/or school nurses will administer the prescribed medication in accordance with school district procedures (MSA Policy #516 – Student Medication).
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform their supervisor and the human resources department in advance of bringing the controlled

substance/paraphernalia to campus. The employee may be required to provide a copy of the prescription.

- 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 they have received the policy. Employees are subject to MSA's drug and alcohol testing policies and procedures. (MSA Policy 418.1)
- D. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the superintendent.
- E. 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 childcare facility, unless prescribed for a student by a medical doctor and administered by licensed nursing personnel.
- F. Possession, consumption, distribution, or sale of alcohol at a school location is prohibited.

VI. DISSEMINATION OF POLICY AND TRAINING

- A. MSA shall ensure that this policy is reviewed by all employees on an annual basis.
- B. This policy shall be reviewed at least annually for compliance with state law.

Legal References:

Minn. Stat. § 13.02 (Collection, Security, and Dissemination of Records; Definitions)
Minn. Stat. § 245.825 (Aversive and Deprivation Procedures; Licensed Facilities and Services)
Minn. Stat. §§ 609.221-609.224 (Assault)
Minn. Stat. § 609.234 (Crimes Against the Person)
Minn. Stat. § 609.235 (Use of Drugs to Injure or Facilitate Crime)
Minn. Stat. § 609.322 (Solicitation, Inducement, and Promotion of Prostitution; Sex Trafficking)
Minn. Stat. § 609.341 (Definitions)
Minn. Stat. §§ 609.342-609.3451 (Criminal Sexual Conduct)
Minn. Stat. § 626.557 (Reporting of Maltreatment of Vulnerable Adults)
Minn. Stat. § 626.5572 (Definitions)
In re Kleven, 736 N.W.2d 707 (Minn. App. 2007)

Cross References:

MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
MSBA/MASA Model Policy 211 (Criminal or Civil Action Against School District, School Board Member, Employee, or Student)
MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 406 (Public and Private Personnel Data)
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
MSA Policy #418.1 (Alcohol and Other Drug Use by State Employees)