

Policy #: 417
Title: CHEMICAL USE AND ABUSE
Date of Initial Approval: 12-22-2015
Revision/Re-authorization Dates: 02-18-2016; 02-28-2019; 02-23-2022
Reviewers: MSA Human Resources Office; MSAB/MSAD Directors; MSA Director of Student Support Services.

I. PURPOSE

The Minnesota State Academies (MSA) 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. Chemical use and abuse also creates significant problems for society in general. The MSA board believes that MSA has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist the school district in its goal to prevent chemical use and abuse by providing procedures for education and intervention.

II. GENERAL STATEMENT OF POLICY

- A. Use of controlled substances, toxic substances, and alcohol is prohibited in the school setting in accordance with MSA policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. MSA will provide an instructional program about chemical abuse and the prevention of chemical dependency on both campuses. This program shall include access to mental health and other community resources to support responses to individual needs.
- C. MSA shall establish and maintain a program to educate and assist employees, students, and others in understanding this policy and the goals of achieving drug-free schools and workplaces

III. DEFINITIONS

- A. **“Chemical Abuse”** means 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 the student’s normal function in academic, school, or social activities is chronically impaired.
- B. **“Chemicals”** includes but is not limited to alcohol, toxic substances, and controlled substances as defined in MSA’s Drug-Free Workplace/Drug-Free School policy (MSA Policy #418).
 - 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. **“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.

- C. **“Use”** includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. **“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. STUDENTS

A. Instruction

Students at MSA shall participate in an instructional program about chemical abuse and the prevention of chemical dependency. MSA may involve parents, students, health care professionals, mental health staff, instructional staff, and members of the community in developing the curriculum. The curriculum shall have age- and development-appropriate activities that:

- a. address the consequences of the use of illegal use of drugs, as appropriate;
- b. promote a sense of individual responsibility;
- c. teach students that most people do not illegally use drugs;
- d. teach students to recognize social and peer pressure to use drugs illegally and the skills for resisting illegal drug use;
- e. teach students about the dangers of emerging drugs;
- f. engage students in the learning process;
- g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools;
- h. involve families, community partners (which may include appropriately trained seniors), and a variety of drug and violence prevention providers in setting clear expectations against violence and illegal use of drugs and appropriate consequences for violence and illegal use of drugs

MSA shall have drug and violence prevention activities on each campus that may include the following:

- a. Community-wide planning and organizing activities to reduce violence and illegal drug use, which may include gang activity prevention.
- b. Conflict resolution programs, including peer mediation programs that educate and train peer mediators
- c. Youth anti-crime and anti-drug councils and activities.
- d. Counseling, mentoring, referral services, and other student assistance practices and programs, including assistance provided by qualified school-based mental health services providers and the training of teachers by school-

based mental health services providers in appropriate identification and intervention techniques for students at risk of violent behavior and illegal use of drugs.

- e. Programs that encourage students to seek advice from, and to confide in, a trusted adult regarding concerns about violence and illegal drug use.

B. Reports of Chemical Use and Abuse

In the event that a MSA employee knows that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:

- a. The employee shall immediately 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.
- b. The administrator will notify the student's parents. If there is a medical emergency, the administrator will notify the school nurse and/or outside medical personnel as appropriate.
- c. The administrator will notify law enforcement officials, and if appropriate, the student's counselor. Any investigations into possible criminal violations will be conducted by law enforcement officials.
- d. The administrator and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, locker, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with MSA Policy #502 – Search of Student Lockers, Dorm Rooms, Other Spaces, Desks, Personal Possessions, and Student's Person.
- e. MSA will take appropriate disciplinary action in compliance with the student code of conduct. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.

If a MSA employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:

- a. The employee shall notify an administrator and describe the basis for the suspicion. The administrator will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or meeting with the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
- b. The administrator/investigator may determine there is no chemical abuse. If there is evidence of chemical abuse, the administrator will select an appropriate course of action, which may include referral to a school counselor; referral to a treatment program; referral for screening, assessment, and treatment planning; participation in support groups; or other appropriate measures.
- c. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals shall be suspended in compliance with the student code of conduct and the Pupil Fair Dismissal Act, Minn. Stat. § 121A.40-121A.56. Law enforcement shall be contacted and requested to begin investigations into possible criminal violations.

- d. Searches by school district officials in connection with the abuse, possession, transfer, distribution, or sale of chemicals will be conducted in accordance with school board policies related to search and seizure.

V. MSA MENTAL HEALTH TEAM

- a. MSA shall designate members of the MSA Mental Health Team to address reports of chemical abuse problems, make recommendations for appropriate responses, and coordinate support services with school nurses, chemical abuse treatment programs, or others.
- b. The team is responsible for providing information and educational activities to students to help prevent the abuse of chemicals.
- c. Within seven (7) days after receiving a report of chemical abuse, the team shall 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 abuse.

VI. DATA PRACTICES

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

A. Destruction of Records

- a. If the MSA Mental Health team decides not to provide a student and, in the case of a minor, the student's parents with information about school or community services in connection with chemical abuse, records created or maintained by the team about the student shall be destroyed not later than six (6) months after the determination is made.
- b. If the team decides to provide the student and, in the case of a minor or a dependent student, the student's parents with such information, 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 at MSA.
- c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.

B. Consent

Any minor may give effective consent for medical, mental, and other health services to determine the presence of or to treat conditions associated with alcohol and other drug abuse, and the consent of no other person is required.

VII. EMPLOYEES

MMB Policy Reference - MSA is a State agency and is part of the executive branch of government in Minnesota. MSA follows the MMB HR/LR Policy #1418 - Alcohol and Other Drug Use by State Employees and MSA Policy 418.1 – Prohibition of Alcohol and Drug Use by State Employees. The purpose of these policies is to assist MSA in its goal of preventing chemical use and abuse by providing education and intervention.

- A. Each campus shall disseminate drug and violence prevention information within the school and to the community.

- B. Each campus shall have professional development and training for, and involvement of, school personnel, student services personnel, parents, and interested community members in prevention, education, early identification and intervention, mentoring, or rehabilitation referral, as related to drug and violence prevention.

Legal References:

Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. § 138.163 (Records Management Act)
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. §§ 7101-7165 (Safe and Drug-Free Schools and Communities Act)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
34 C.F.R. Part 84 (Government-wide Requirements for Drug-Free Workplace)

Cross References:

MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)
#MSA Policy 418.1 (Prohibition of Alcohol and Drug Use by State Employees)
MMB HR/LR Policy 1418 (Prohibition of Alcohol and Drug Use by State Employees)#
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
MSBA/MASA Model Policy 506 (Student Discipline)
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)