

Education Programs

Chemical Use and 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 significantly impedes the learning process. The board believes that public schools have a role in education, intervention, and prevention of chemical use and abuse. The district's policy is to provide an instructional program in chemical abuse and prevention of chemical dependency in every elementary and secondary school.

II. General Statement of Policy

- A. Use of controlled substances, toxic substances, and alcohol is prohibited in the school setting in accordance with school district policies regarding drug-free workplaces/schools.
- B. It is the policy of the district to provide an instructional program in every elementary and secondary school in chemical abuse and the prevention of chemical dependency.
- C. The district will establish and maintain a chemical abuse pre-assessment team in every school. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to individually reported cases.
- D. The superintendent or designee will, with the advice of the school board, establish a district and community advisory team to address chemical health in the district.
- E. The district will 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

For purposes of this policy, the definitions included in this section apply.

- 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, drugs, toxic substances, and controlled substances as defined in school district Policy 418 – Alcohol- and Drug-Free School.
- C. "District location" includes any district premises; in any district-owned vehicle or in any other district-approved vehicle used to transport students to and from school or district activities; off-district property at any district-sponsored or district-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the district; or any period of time during which an employee is supervising students on behalf of the district or otherwise engaged in district business.
- D. "Use" includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol, drugs, toxic substances, and controlled substances, whether or not for the purpose of receiving remuneration.

IV. Students

A. Instruction

Every school will provide an instructional program in chemical abuse and the prevention of chemical dependency that is developmentally appropriate and aligns with MN State Standards. The district may involve parents/guardians, students, health care professionals, state department staff, and members of the community in curriculum development.

B. Reports of Chemical Use and Abuse

1. In the event that a district employee knows or has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals in a school location:
 - a. The employee will 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 or guardians. 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 the student's counselor, and the chemical health counselor, and law enforcement officials as needed.
 - 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 district officials will be in accordance with district policies regarding search and seizure.

- e. The district will take appropriate disciplinary action in compliance with the student discipline policy. Such discipline may include immediate suspension, initiation of expulsion proceedings, and/or referral to a detoxification center or medical center.
2. If a district employee has reason to believe that a student is abusing, possessing, transferring, distributing, or selling chemicals:
 - a. The employee will notify the building administrator or health counselor and will describe the basis for the suspicion. The building administrator will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents/guardians, or providing a meeting between a chemical health counselor and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
 - b. The chemical health counselor may determine there is no chemical abuse. If the chemical health counselor determines there is chemical abuse, the chemical health counselor 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.
 3. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals will be suspended in compliance with the student discipline policy and the Minnesota Pupil Fair Dismissal Act and proposed for expulsion.
 4. Searches by district officials in connection with the abuse, possession, transfer, distribution, or sale of chemicals will be conducted in accordance with district policies related to search and seizure.

C. Chemical Health Counselor

1. The chemical health counselor is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses to the individual reported cases.
2. Within forty-five days after receiving an individual reported case, the chemical health counselor will make a determination whether to provide the student and, in the case of a minor, the student's parents/guardians with information about district and community services in connection with chemical abuse.

D. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to state law and applicable federal law and regulations.
2. Destruction of Records
 - a. If the pre-assessment team decides not to provide a student and, in the case of a minor, the student's parents or guardians with information about district or community services in connection with chemical abuse, records created or maintained by the team about the student will 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 or guardians with such information, records created or maintained by the team about the student will be destroyed not later than six (6) months after the student is no longer enrolled in the district.
 - c. This section will govern destruction of records notwithstanding provisions of the Minnesota Records Management Act.

E. 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.

V. Employees

- A. The superintendent or designee will undertake and maintain a drug-free awareness and prevention program to inform employees, students, and others about:
 1. The dangers and health risks of chemical abuse in the workplace/school.
 2. The school district's drug-free workplace/drug-free school policy.
 3. Any available drug or alcohol counseling, treatment, rehabilitation, re-entry, and/or assistance programs available to employees and/or students.
 4. The penalties that may be imposed on employees for drug abuse violations.
- B. The superintendent or designee will notify any federal granting agency required to be notified under the Drug-Free Workplace Act within ten days after receiving notice of a conviction of an employee for a criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee

aware of such a conviction will report the same to the superintendent.

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. § 138.17 (Records Management Act)
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
Minn. Stat. § 152.22 (Medical Cannabis; Definitions)
Minn. Stat. § 152.23 (Medical Cannabis; Limitations)
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 (Financial Assistance))

Cross References:

Policy 403 (Discipline of School District Employees)
Policy 418 (Alcohol- and Drug-Free Workplace and School Environment)
Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)
Policy 506 (Student Conduct and Discipline)
Policy 515 (Protection and Privacy of Student Records)
Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

Policy

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Edina, Minnesota