

413.00 DRUG-FREE WORKPLACE

I. POLICY PURPOSE

The purpose of this policy is to ensure the health and well-being of employees, students, and visitors by prohibiting the use of alcohol, toxic substances, medical cannabis, non-intoxicating cannabinoids, edible cannabinoid products, and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A. Except as otherwise provided in Section IV., of this policy, use and/or possession of alcohol, controlled substances, toxic substances, non-intoxicating cannabinoids, edible cannabinoid products, or medical cannabis at or in any school or District work location is prohibited and is a violation of this policy. Paraphernalia associated with controlled substances is also prohibited.
- B. An individual may not use or possess cannabis flower, cannabis products, lower potency hemp edibles, or hemp-derived consumer products in a public school, as defined by state law, including all facilities, whether owned, rented, or leased, and all vehicles that the District owns, leases, rents, contracts for, or controls.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any person who violates this policy.

III. DEFINITIONS

- A. "Alcohol" includes any alcoholic beverage, malt beverage, fortified wine or other intoxicating liquor that contains more than one-half of one percent of alcohol by volume.
- B. "Controlled substances" include narcotic drugs, hallucinogenic drugs, prescription 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: 1) glue, cement, aerosol paint containing toluene, benzene, xylene, amyl nitrate, nitrous oxide, or containing other aromatic hydrocarbon solvents, but does not include glue, cement, or paint contained in a packaged kit for the construction of a model automobile, airplane, or similar item; 2) butane or a butane lighter; or 3) any similar substance declared to be toxic to the central nervous system and to have a potential for abuse, by a rule adopted by the Commissioner of the Minnesota Department of Health.
- D. "Use" includes to sell, buy, manufacture, distribute, dispense, possess, use or be under the influence of, or consume in any manner, including, but not

limited to, consumption by injection, inhalation, ingestion, or by any other means, whether or not for the purpose of receiving remuneration or consideration.

- E. "Possess" means to have on one's person, in one's effects or in an area subject to one's control.
- F. "School or work location" includes any school district building (whether leased or owned) or on any school district premises; in any district-owned vehicle or in any other district-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 students are under the supervision of the school district or otherwise engaged in district business.
- G. "Person" means any school district personnel (whether an employee, independent contractor, or volunteer), school board member, or member of the public, but does not include a student.

IV. EXCEPTIONS

- A. An adult person who has a current prescription from a physician for medical treatment with a controlled substance is permitted to possess such controlled substance and associated necessary paraphernalia, except in the case of medical cannabis, non-intoxicating cannabinoids, or edible cannabinoid products. The person may be required to provide a copy of the prescription. At all times such a person must keep the controlled substance on his or her person or in a locked cabinet or locked vehicle. The person must also comply with the relevant procedures established by District administration.
- B. It shall not be a violation of this policy for an employee, under the supervision of the school nurse, to possess at or in a school or work location, for a student's own use, a controlled substance and associated necessary paraphernalia for which the student has a current physician's prescription. At all times such employees must keep the controlled substance on his or her person or in a locked cabinet or locked vehicle. The employee shall comply with the District's student medication policy and relevant procedures established by District administration.
- C. Minors are not permitted to possess controlled substances in a school or work location except with the express permission of the superintendent. When such express permission is given, the minor shall comply with any other relevant procedures established by District administration.
- D. It shall not be a violation of this policy for a person of legal drinking age to possess an alcoholic beverage at or in a school or work 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 3.2 percent malt liquor or intoxicating liquor issued under Minnesota laws or possession of 3.2 percent malt liquor or intoxicating liquor after the purchase from such a temporary license holder). Possession of alcohol in a school or work location 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.

V. ENFORCEMENT

A. Employees/School District Personnel

1. Each employee shall abide by the terms of this policy and applicable procedures 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 no later than five (5) calendar days after such conviction.
2. Upon hire or assignment to work on any federal grant, the employee shall be provided with written notice of this Drug-Free Workplace policy and shall be required to acknowledge that he or she has received the policy.
3. An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, termination or discharge as deemed appropriate by the school board.
4. 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 non-renewal, suspension, or termination as deemed appropriate by the school board.
5. Sanctions against employees, including non-renewal, suspension, termination, or discharge shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and school district policies.

B. Board of Education Members

Each Board of Education member shall abide by the terms of this policy and applicable procedures when serving in the member's capacity as a representative of the District.

C. Members of the Public

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

VI. NON-DISCRIMINATION

- A. No employee will be discriminated against in hiring, firing, or any term or condition of employment or otherwise penalized for their enrollment in the Minnesota Medical Cannabis registry program.
- B. An employee appropriately enrolled in the Minnesota Medical Cannabis registry program will not be subject to discipline based solely on a positive drug test for cannabis or metabolites unless the employee uses, possesses, sells, transports, or is impaired by cannabis or metabolites while on work premises, during work hours, or while operating SPPS vehicles, machinery, or equipment. Employees must possess and show proof of current

enrollment in the state medical cannabis program upon request by the District.

- C. SPPS cannot waive professional, statutory, or administrative licensing requirements for drug testing or prohibiting the use of cannabis, metabolites, or other controlled substances.

LEGAL REFERENCES:

Minn. Stat. § 340A.403 (3.2 Percent Malt Liquor Licenses)
Minn. Stat. § 340A.404 (Intoxicating Liquor; On-Sale Licenses)
Minn. Stat. § 609.684 (Abuse of Toxic Substances)
Minn. Stat. § 624.701 (Alcohol in Certain [School] Buildings or Grounds)
Minn. Stat. § 151.72 (Sale of Certain Cannabinoid Products)
Minn. Stat. § 152.22, subd. 6 (Definitions - Medical Cannabis)
Minn. Stat. § 152.23 (Limitations - Medical Cannabis)
Minn. Stat. § 342.09 (Personal Adult Use of Cannabis)
Minn. Stat. § 342.56 (Limitations)
20 U.S.C. §§ 7101-7140, 7161-7165 (Safe and Drug-Free Schools and Communities Act)
21 U.S.C. § 812 (Schedules of Controlled Substances)
41 U.S.C. §§ 701-707 (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:

413.01, Chemical Use and Abuse
504.00, Drug Free Schools
516.00, Students – Medications/Medical Procedures