



417

CHEMICAL USE AND ABUSE

APPROVED: 08/2023

UPDATED:

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 is wrong and harmful. The school board believes that the school has 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 in maintaining a safe and healthful environment for students and employees by prohibiting the use, possession, sale, or transfer of tobacco, alcohol, toxic, simulated and/or controlled substances without a physician 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 to provide an instructional program that addresses the prevention of chemical use, chemical abuse, and chemical dependency.
- C. The school shall establish and maintain a chemical abuse preassessment 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 administrator, 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 may recommend that any student or employee submit to chemical use testing/assessment in accordance with this privacy and applicable language, if any, in negotiated collective bargaining agreements.
- F. Students who bring prescription or non-prescription medication 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.



III. DEFINITIONS

Chemicals include:

- A. "Alcohol" includes any alcoholic beverage, malt beverage, or fortified wine or other intoxicating liquor.
- B. "Tobacco" means 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.
- C. "Controlled substances" includes 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"/simulated drugs.
- D. "Toxic substances" includes glue, cement, aerosol paint, or, for purposes of this policy, any substance that causes involvement of the central nervous system.
- E. "School Location" includes any 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; or during any period of time such employee is supervising students on behalf of the school or otherwise engaged in school business.
- F. "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.
- G. "Provider" is any person selling drugs or providing drugs for other persons shall be considered a provider whether money is involved or not.
- H. "Consumption" is any ingestion of any chemical in any form; being under the influence of any chemical.
- I. "Being under the influence" means 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 discernible 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.
- J. "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 normal functioning in academic, school, social activities, or the workplace is chronically impaired.

- K. "Possess" means to bring any chemicals into school, on school grounds, or to a school activity; to have chemicals on one's person, among one's belonging or under one's control while in school, on school grounds, or to a school activity; to give 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.
- L. "Drug paraphernalia" means 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.
- M. "Chemical use preassessment" means 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 preassessment team (Minn. Stat. §121A.26) 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.
- N. "Chemical use test" means the technology (i.e., breathalyzer for alcohol consumption, urinalysis for a number of substances) to determine if the consumption of a substance has occurred.
- O. "Chemical use assessment/evaluation" means a Rule 25 Chemical Use Assessment as defined by state statute.

IV. STUDENTS

A. Instruction

The school will provide an instructional program in chemical use/abuse and the prevention of chemical dependency. The school shall 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.

The school shall 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. Preassessment Teams

The school shall have a chemical use/abuse preassessment team. The preassessment team must be composed of classroom teachers, administrators, and to the extent they exist in each school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. The preassessment team is responsible for addressing reports of chemical use/abuse problems, and making recommendations for appropriate responses to the individual reported cases.

Within 45 days after receiving an individual reported case, the preassessment 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 use/abuse.

C. Reports of Chemical Use/Abuse

1. In the event that a school employee knows that a student is in violation of this policy, the employee shall either take the student to an administrator or notify an administrator of the observation and continue to observe the student until the administrator arrives.
2. The administrator will 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 preassessment team.
5. The school will take appropriate disciplinary action. Such discipline may include immediate suspension, initiation of expulsion proceedings, exclusion from extra-curricular activities, and/or referral for a chemical use/abuse assessment/evaluation at a health/medical facility.
6. If a school employee has reason to believe or suspect that a student is using and/or possessing chemicals, the employee shall notify an administrator and shall describe the basis of the belief or suspicion. Action may include conducting an



investigation, gathering data, scheduling a conference with the student and/or parent(s). or providing a meeting of a preassessment 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.

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 either take the student to an appropriate administrator or will notify an administrator and continue observation until the administrator arrives.

The administrator shall 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.

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

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.

E. Destruction of Records

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

If the preassessment 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 6 months after the student is no longer enrolled in the district.



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

F. 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.

G. School and Advisory Team

The administrator, with the advice of the school board, shall establish a school and community advisory team to address chemical abuse problems. The advisory team will be composed of representatives from the school preassessment teams, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.

The advisory team shall:

- build awareness of the problem within the community;
- identify available treatment and counseling programs for students;
- develop good working relationships and enhance communication between the schools and other community agencies, and;
- and develop a written procedure clarifying the notification process to be used by the chemical abuse preassessment 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

The administrator or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees about:

- The dangers and health risks of chemical abuse in the workplace.
- The school's drug-free workplace/drug-free school policy.
- Any available drug or alcohol counseling, treatment, rehabilitation, re-entry and/or assistance programs available to employees.



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. 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.

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.

The administrator 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 administrator.

VI. DISSEMINATION OF POLICY

A copy of this policy shall be made available to staff, students and parents.

LEGAL REFERENCES:

Controlled Substances Act, 21 U.S.C. 812
Minnesota Statute §121A.26 (School Preassessment Teams)
Minnesota Statute §152.01, Subd. 18 (Drug Paraphernalia)
Minnesota State Rule 25 (Substance Use Disorder Assessment and Eligibility)
Title IV: Section 4116 (Student Instruction)
Minnesota Statute §121A.29 (Reporting; Chemical Abuse)
Minnesota Statute §13.32 (Educational Data)
Minnesota Statute §144.343 (Minor Consent)
Title IV: Section 4115 (School and Community Advisory Team)
Minnesota Statute §121A.40-121A.56 (Pupil Fair Dismissal Act)
Drug-Free Workplace Act of 1988
Student Discipline - Board Policy 506
Search, Locker and Person - Board Policy 502