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102 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 employees and significantly impedes the learning process. The school board believes that the public school 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 school district policy 106Drug-Free Workplace/Drug-Free School.
- B. It is the policy of this school district to provide an instructional program in chemical abuse and the prevention of chemical dependency.
- C. The school district shall establish and maintain a chemical abuse pre-assessment 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 Director, 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 district 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 disorder behavior, to the extent that the student's or staff member'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 the school district's Drug-Free Workplace/Drug-Free School policy.

- C. "School location" includes the school building, the school's property; 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 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 the school district or otherwise engaged in school district business.

IV. STUDENTS

A. Instruction

1. The school shall provide an instructional program in chemical abuse and the prevention of chemical dependency. The school may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
2. The school shall have age-appropriate and developmentally based activities that:
 - a. Address the consequences of violence and the 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; Teach students about the dangers of emerging drugs;
 - e. Engage students in the learning process; and
 - f. Incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
3. The school shall have activities that involve families, community sectors (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.
4. The school shall disseminate drug and violence prevention information within the school and to the community.
5. The school 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.
6. The school shall have drug and violence prevention activities 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 and a designated faculty supervisor, and youth anti-crime and anti-drug councils and activities.
 - c. 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.
 - d. 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.

1. In the event that a staff member 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 the Director or notify the Director of the observation and continue to observe the student until the Director arrives.
 - b. The Director will notify the student's parents and/or proper authorities. If there is a medical emergency, the Director will notify the school nurse and/or outside medical personnel as appropriate.
 - c. The Director and/or law enforcement officials will confiscate the chemicals and/or conduct a search of the student's person, effects, vehicle, or areas within the student's control. Searches by school district officials shall be in accordance with school board policies regarding search and seizure.
 - d. The school district will take appropriate disciplinary action in compliance with the student discipline code. Such discipline may include immediate suspension, initiation of expulsion proceedings.
2. If a staff member has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals/drugs:
 - a. The employee shall notify the Director or a member of the pre-assessment team and shall describe the basis for the suspicion. The Director and/or team will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents, or providing a meeting between a single member of the team and the student to discuss the behaviors that have been reported and attempting to ascertain facts regarding chemical abuse.
 - b. The team may determine there is no chemical abuse. If the team determines there is chemical abuse, the team 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 shall be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. § 127.26-127.39, and may be proposed for expulsion.

C. Pre-assessment Team.

1. Every school shall have a chemical abuse pre-assessment team designated by the school board. The team will be composed of classroom teachers, the Director, and other appropriate professional staff to the extent they exist in each school, such as the school nurse, school counselor. The team is responsible for addressing reports of chemical abuse problems and making recommendations for appropriate responses for each individually reported case.

D. Data Practices.

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minn. Stat. § 13.32 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 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 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 6 months after the student is no longer enrolled in the district.
 - c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.
- 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.
- F. School and Community Advisory Team
- 1. The Director, 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 pre-assessment teams to the extent possible, law enforcement agencies, county attorney's office, social service agencies, chemical abuse treatment programs, parents, and the business community.
 - 2. The advisory team shall:
 - a. build awareness of the problem within the school community, identify available treatment and counseling programs for students and develop good working relationships and enhance communication between the school and other community agencies; and
 - b. develop a written procedure clarifying the notification process to be used by the chemical abuse pre-assessment 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

- A. The Director or designee shall undertake and maintain a drug-free awareness and prevention program to inform employees 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.
- B. The Director shall notify any federal granting agency (which must 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 criminal drug statute violation occurring in the workplace. To facilitate the giving of such notice, any employee aware of such a conviction shall report the same to the Director.

Legal References:

Minn. Stat. § 121A.25-121A.29 (Chemical Abuse)
Minn. Stat. § 121A.40-121A.56 (Pupil Fair Dismissal Act)
Minn. Stat. §144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
41 U.S.C. §§ 701-707 (Drug-Free Workplace Act of 1988)
20 U.S.C. §§ 7101-7144 (Safe and Drug-Free Schools and Communities Act of 1994)
34 C.F.R. Part 85 (Government-wide Requirements for Drug-Free Workplace)

Cross Reference: