

Adopted: February 1, 2005
Amended: January 1, 2016
Amended: February 23, 2017

106 DRUG-FREE WORKPLACE/DRUG-FREE SCHOOL

I. PURPOSE

The purpose of this policy is to maintain a safe and healthful environment for employees and students by prohibiting the use of alcohol, toxic substances and controlled substances without a physician's prescription.

II. GENERAL STATEMENT OF POLICY

- A. Use of controlled substances, toxic substances, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited as general policy. Paraphernalia associated with controlled substances is prohibited.
- B. It shall be a violation of this policy for any student, staff member, or member of the public to use alcohol, toxic substances or controlled substances in any school location.
- C. The school district will act to enforce this policy and to discipline or take appropriate action against any student, staff member, or member of the public who violates this policy.

III. DEFINITIONS

- A. "Alcohol" include 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.
- D. "Use" includes selling, buying, manufacturing, distributing, dispensing, possessing, using or being under the influence of alcohol and/or controlled substances, 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 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 the school district or otherwise engaged in school district business.

IV. EXCEPTIONS

- A. It shall not be a violation of this policy for a person to bring onto a school location, for such person's own use, a controlled substance which has a currently accepted medical use in treatment in the United States and the person has a physician's prescription for the substance. The person shall comply with the relevant procedures of this policy.
- B. It shall not be a violation of this policy for a person to possess an alcoholic beverage in a school 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 liquor issued under Minnesota laws or possession after the purchase from such a temporary license holder).

V. PROCEDURES

- A. Students who have a prescription from a physician for medical treatment with a controlled substance must comply with the school district's student medication policy. This policy requires the prescription to be in the possession of a designated office staff member.
- B. Employees who have a prescription from a physician for medical treatment with a controlled substance are permitted to possess such controlled substance and associated necessary paraphernalia, such as an inhaler or syringe. The employee must inform his or her supervisor. The employee may be required to provide a copy of the prescription.
- C. Each employee shall have access to this Drug-Free Workplace/Drug-Free School policy.
- D. Employees are subject to the school district's drug and alcohol testing policies and procedures, should they be implemented.
- E. Members of the public are not permitted to possess controlled substances in a school location except with the express permission of the Director.
- F. Possession of alcohol on school grounds 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.

VI. ENFORCEMENT

- A. Students.
 - 1. A student who violates the terms of this policy shall be subject to discipline in accordance with the school's discipline policy. Such discipline may include suspension or expulsion from school.

2. The student may be referred to a drug or alcohol assistance or rehabilitation program and/or to law enforcement officials when appropriate.
- B. Employees.
1. As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy 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 on which work on a school district federal grant is performed, no later than five (5) calendar days after such conviction.
 2. An employee who violates the terms of this policy is subject to disciplinary action, including non-renewal, suspension, termination or discharge.
 3. 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. Any employee who fails to satisfactorily participate in and complete such a program is subject to non-renewal, suspension or termination.
 4. Sanctions against employees, including non-renewal, suspension, termination or discharge shall be pursuant to and in accordance with applicable statutory authority and school district policies.
- C. 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.

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 (Sale of Toxic Substances to Children; Abuse of Toxic Substances)
- Minn. Stat. § 624.701 (Liquor in Certain Buildings or Grounds)
- 41 U.S.C. §§ 701-707 (Drug-Free Workplace Act)
- 20 U.S.C. § 7101-7165 (Safe and Drug-Free Schools and Communities Act of 1994)
- 21 U.S.C. § 812 (Schedules of Controlled Substances)
- 21 C.F.R. §§ 1308.11-1308.15 (Controlled Substances)
- 34 C.F.R. Part 85 (Government-wide Requirements for Drug-Free Workplace)

Cross Reference: