

## 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 the public school has a role in education, intervention, and prevention of chemical use and abuse. It is the policy of the district 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 with respect to a drug-free workplace/drug-free school (see Policy 418 – Alcohol- and Drug-Free Workplace).
- B. It is the policy of this 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 preassessment 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 school and community advisory team to address behavioral 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

- 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 (see Policy 418 – Alcohol- and Drug-Free School).
- B. “Chemicals” includes but is not limited to alcohol, toxic substances and

controlled substances as defined in school district Policy 418 – Alcohol- and Drug-Free School.

- C. “Use” includes to sell, buy, manufacture, distribute, dispense, use, or be under the influence of alcohol and/or controlled substances, whether or not for the purpose of receiving remuneration.
- D. “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 district; or during any period of time an employee is supervising students on behalf of the district or otherwise engaged in district business.

#### IV. Students

##### A. Instruction

1. Every school will provide an instructional program in chemical abuse and the prevention of chemical dependency. The school district may involve parents, students, health care professionals, state department staff, and members of the community in developing the curriculum.
2. Each school will 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;
  - e. teach students about the dangers of emerging drugs;
  - f. engage students in the learning process; and
  - g. incorporate activities in secondary schools that reinforce prevention activities implemented in elementary schools.
3. Each school will have activities that involve families, community sectors 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. Each school will disseminate drug and violence prevention information

within the school and to the community.

5. Each school will include professional development and training for 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. Each school will 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. The hiring and mandatory training of school security personnel who interact with students in support of youth drug and violence prevention activities under this policy that are implemented in the school.
  - c. 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 council activities.
  - d. 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.
  - e. 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 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. 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 law enforcement officials, the student's counselor, and the chemical preassessment team.

- 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 school board policies regarding search and seizure.
      - e. The district will take appropriate disciplinary action in compliance with the student discipline code. 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 a member of the preassessment team and will describe the basis for the suspicion. The building administrator 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 will be suspended in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minn. Stat. §121A.40-121A.56, 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 school board policies related to search and seizure.

#### C. Preassessment Team

1. Every school will have a chemical abuse preassessment team designated by the superintendent or designee. The preassessment team will be composed of classroom teachers, administrators, school nurse, school counselor or psychologist, social worker, and other appropriate professional staff.
2. The team is responsible for addressing reports of chemical abuse problems

and making recommendations for appropriate responses to the individual reported cases.

3. Within forty-five (45) days after receiving an individual reported case, the team will 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 abuse.

#### 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 preassessment 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 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 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 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.

#### 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 (Policy 418).
  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 (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 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. § 138.163 (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)

Cross References:

Policy 403 (Discipline, Suspension, and Dismissal of School District Employees)

Policy 418 (Alcohol- and Drug-Free Workplace)

Policy 502 (Search of Student Lockers, Desks, Personal Possessions and Student's Person)

Policy 506 (Student Discipline)

Policy 515 (Protection and Privacy of Student Records)

Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections and Searches)

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