

## 417 CHEMICAL USE AND ABUSE

[Note: This policy reflects mandatory provisions of state and federal law and is not discretionary.]

### I. PURPOSE

Crosslake Community Schools' (CCS) 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. Chemical use and abuse also creates significant problems for society in general. The school board believes that the public entity has a role in education, intervention, and prevention of chemical use and abuse. The purpose of this policy is to assist CCS 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, medical cannabis, toxic substances, and alcohol is strictly prohibited in the educational setting in accordance with CCS' policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. It is the policy of CCS to provide an instructional program in chemical abuse and the prevention of chemical dependency.
- C. CCS 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(s)/designee, with the advice of the school board to address chemical abuse problems in CCS when they arise.
- E. CCS shall educate and assist employees, students and others in understanding this policy and the goals of achieving drug-free schools and workplaces.

**[Note: Comprehensive drug prevention programs are required to be adopted and carried out by school districts pursuant to the Safe and Drug-Free Schools and Communities Act. In addition, school districts are required by the Drug-Free Workplace Act to establish drug-free awareness programs for school district employees. Further, state law authorizes school districts to provide instructional programs in chemical abuse and the prevention of chemical dependency.]**

### III. DEFINITIONS

- A. "Chemical abuse" means use of any psychoactive or mood-altering chemical substance, without a 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.
- B. "Chemicals" include but is not limited to alcohol, toxic substances, medical cannabis, and controlled substances as defined in the CCS' Drug-Free Workplace/Drug-Free School Policy 418
- C. "School location" includes any CCS building or on CCS' premises; on any CCS-approved vehicle used to transport students to and from school activities; off CCS property at any CCS-sponsored or CCS-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the CCS; or during any period of time such employee is supervising students on behalf of CCS or otherwise engaged CCS business.

### IV. STUDENTS

- A. Instruction.
  - 1. CCS shall provide an instructional program in chemical abuse and the prevention of chemical

dependency. CCS may involve parents/guardians, students, health care professionals, state department staff, and members of the community in developing the curriculum.

**[Note: The Safe and Drug-Free Schools and Communities Act requires school districts to adopt and carry out a comprehensive drug and violence prevention program with funds received. Since a comprehensive drug prevention program is required and a school district is specifically authorized by state law to provide instructional programs in chemical abuse and the prevention of chemical dependency, this should be a component of each school district's mandatory program. In addition, the Safe and Drug-Free Schools and Communities Act specifies additional items which may be included as part of the mandatory comprehensive drug prevention program. Some of the suggested items relating to instruction or training are detailed in Paragraphs 2. through 6. below and a school district may wish to adopt one or all of the listed components as part of its mandatory program.]**

2. CCS 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 peer pressure to use chemicals.
3. CCS shall have programs of drug prevention, comprehensive health education, early intervention, pupil services, mentoring, or rehabilitation referral, which emphasize students' sense of individual responsibility and which may include:
  - a. the dissemination of information about drug prevention;
  - b. the professional development of CCS personnel, parents/guardians, students, law enforcement officials, judicial officials, health service providers and community leaders in prevention, education, early intervention, pupil services or rehabilitation referral; and
  - c. the implementation of strategies, including strategies to integrate the delivery of services from a variety of providers, to combat illegal alcohol, tobacco and drug use, such as:
    - (1) family counseling;
    - (2) early intervention activities that prevent family dysfunction, enhance school performance, and boost attachment to school and family; and
    - (3) activities, such as community service and service-learning projects, that are designed to increase students' sense of community.
4. CCS shall have drug abuse resistance education programs, designed to teach students to recognize and resist pressures to use alcohol or other drugs, which may include activities such as classroom instruction by uniformed law enforcement officers, resistance techniques, resistance to peer pressure and gang pressure, and provisions for parental involvement.

B. Reports of Chemical Use and Abuse.

1. In the event that a CCS employee knows that a student is abusing, possessing, transferring, distributing or selling chemicals in a CCS location:
  - a. The employee shall immediately either take the student to an Director or notify an appropriate staff member of the observation and continue to observe the student until the Director arrives.
  - b. The administrator/designee will notify the student's parents/guardians. If there is a medical emergency, the Director will notify the office and/or outside medical personnel as appropriate.
  - c. The Director/office will notify law enforcement officials.
  - d. The Director/office 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 CCS officials shall be in accordance with governing board policies regarding search and seizure.

- e. **CCS** 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 any **CCS** employee has reason to believe that a student is abusing, possessing, transferring, distributing or selling chemicals:
    - a. The employee shall notify the **Director** and shall describe the basis for the suspicion. The **Director** will determine what action should be taken. Action may include conducting an investigation, gathering data, scheduling a conference with the student or parents/**guardians**, 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. **CCS** may determine there is no chemical abuse. If the **Director** determines there is chemical abuse, the **Director** will select an appropriate course of action, which may include referral to **CCS' Social Worker**; 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. § 121A.40-121A.56, and proposed for expulsion.
  4. Searches by **CCS** in connection with the abuse, possession, transfer, distribution or sale of chemicals will be conducted in accordance with governing board policies related to search and seizure.
- C. 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 **CCS** decides not to provide a student and, in the case of a minor, the student's parents/**guardians** with information about **CCS** 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 **CCS** decides to provide the student and, in the case of a minor or a dependent student, the student's parents/**guardians** 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 **CCS**.
    - c. This section shall govern destruction of records notwithstanding provisions of the Records Management Act, Minn. Stat. § 138.163.
- D. 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 **Director** shall 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. **CCS** Drug-Free Workplace/Drug-Free School Solicy 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 **Director** shall 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 shall report the same to the Director.

**[Note: Notification to the federal granting agency within ten (10) days is required by the Drug Free Workplace Act. 41 U.S.C. § 8103]**

**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:** MSBA/MASA Model Policy 403 (Discipline, Suspension, and Dismissal of Crosslake Community Schools' Employees)  
MSBA/MASA Model Policy 416 (Drug and Alcohol Testing)  
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug Free School)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)  
MSBA/MASA Model Policy 527 (Student Use and Parking of Motor Vehicles; Patrols, Inspections, and Searches)

Policy 417 Chemical Use and Abuse is also found in the Staff Handbook.

Policy 417 Chemical Use and Abuse is also found in the Online Student and Family Handbook.

Policy 417 Chemical Use and Abuse is also found in the Seat-Based Student and Family Handbook.