

INSTRUCTION – ~~ALCOHOL AND OTHER DRUG USE, ABUSE AND DEPENDENCY~~
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. Chemical use and abuse also creates significant problems for society in general. 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 or possession of controlled substances, toxic substance, medical cannabis, and alcohol before, during, or after school hours, at school or in any other school location, is prohibited in accordance with school district policies with respect to a Drug-Free Workplace/Drug-Free School.
- B. The school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievement.
- C. Every school that participates in a school district chemical abuse program shall establish 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. The school district shall establish a drug-free awareness program for its employees.

III. DEFINITIONS

- A. “Chemical abuse,” as applied to students, 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 minor’s normal function in academic, school, or social activities is chronically impaired.
- B. “Controlled substances,” as applied to the chemical abuse assessment of students, means a drug, substance, or immediate precursor in Schedules I through V of Minnesota Statutes section 152.02 and “marijuana” as defined in Minnesota Statutes section 152.01, subdivision 9 but not distilled spirits, wine, malt beverages, intoxicating liquors or tobacco. As otherwise defined in this policy, “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 United States Code section 812, including analogues and look-alike drugs.

- C. “Drug prevention” means prevention, early intervention, rehabilitation referral, recovery support services, or education related to the illegal use of drugs, such as raising awareness about the consequences of drug use that are evidence based.
- D. “Teacher” means all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.

I.—Prevention

~~A.—The K-12 health curriculum will include instructional units and experience involving:~~

- ~~1.—Alcohol and other drug pharmacology.~~
- ~~2.—The legal ramifications of alcohol and other drug use.~~
- ~~3.—Cause and effect of alcohol and other drug use, abuse and dependency.~~
- ~~4.—Alternatives to alcohol and other drug use.~~
- ~~5.—Strategies in decision-making for youth.~~
- ~~6.—Value approaches to alcohol and other drug use, abuse and dependency.~~
- ~~7.—A variety of resources will be provided to increase the students’ awareness.~~
- ~~8.—Where and how to obtain assistance utilizing areas and community resources.~~

~~B.—Orientation information will be made available to improve student and parent knowledge on alcohol and other drugs.~~

~~H.—Early Identification and Intervention Efforts Providing Assistance to Students Demonstrating Behaviors of Concern:~~

~~A.—The student will be observed by the teacher, school nurse, counselor, principal or assistant principal and specific inappropriate behaviors will be recorded on the Inappropriate Behavior Referral form which will be sent to the school social worker or designee.~~

~~B.—The Law Enforcement Report of an Alcohol/Drug Incident will be sent to the building principal. The principal will disseminate the information to the appropriate personnel.~~

~~C.—If alcohol and other drug use appears to be the source of the problem, the student will be referred to the school social worker or designee. The school social worker will also provide services to students and parents on a self-referral basis.~~

~~D.—The school social worker or designee will conduct a prediagnostic interview with the student to attempt to determine if there is an alcohol or other drug-related problem. The social worker will recommend a course of action.~~

~~E.—If there appears to be an alcohol or other drug-related problem, referral should be made to a qualified chemical dependency assessor for full assessment.~~

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~~F.—After the assessment, the assessor will recommend a course of action for the student.~~

~~III.—Administrative Coordination of Efforts~~

~~A.—Responsibility~~

~~1.—Identification of Resources~~

- ~~a.—A preassessment team will be identified to cover each level (K-5, 6-8 and 9-12) within the district and given authority to act within the approved and other drug use policy.~~
- ~~b.—School social worker or designee is designated as the primary prevention person and will be responsible for maintaining alcohol and other drug use information.~~
- ~~c.—The Director of Instructional Services will ensure that the curriculum on alcohol and other drug use, abuse and dependency is present at all grade levels in the district and to all district staff.~~

~~B.—Systematically assess needs of school community for prevention, intervention and after care support.~~

~~C.—Dissemination of school community policy and procedures to all interested persons.~~

~~1.—Adopted school board policy on alcohol and other drugs will be made available to all students, staff and parents of the school district.~~

- ~~a.—Students and staff will be informed through student and staff handbooks.~~
- ~~b.—Parents will be notified of the alcohol and other drug use policy.~~

~~IV.—Staff Training~~

~~A.—Workshops for staff and special programs for students are encouraged.~~

IV. STUDENTS

A. Districtwide School Discipline Policy (Code of Conduct)

Procedures for detecting and addressing chemical abuse problems of a student while on school premises are included in the districtwide school student discipline policy.

B. Programs and Activities

- 1. The school district shall develop, implement, and evaluate comprehensive programs and activities that foster safe, healthy, supportive, and drug-free environments that support student academic achievements. The programs and activities may include, among other programs and activities, drug prevention activities and programs that may be evidence based, including programs to**

educate students against the use of alcohol, tobacco, marijuana, smokeless tobacco products, and electronic cigarettes.

2. As part of its drug-free programs, the school district may implement the drug abuse resistance education program (DARE) that enables peace officers to undergo the training to teach a curriculum on drug abuse resistance in schools.

C. Reports of Use, Possession, or Transfer of Alcohol or a Controlled Substance

1. A teacher in a nonpublic school participating in a school district chemical use program, or a public school teacher, who knows or has reason to believe that a student is using, possessing, or transferring alcohol or a controlled substance while on the school premises or involved in school-related activities, shall immediately notify the school's chemical abuse preassessment team, or staff member assigned duties similar to those of such a team, of this information.
2. Students involved in the abuse, possession, transfer, distribution, or sale of chemicals may be suspended and proposed for expulsion in compliance with the student discipline policy and the Pupil Fair Dismissal Act, Minnesota Statutes section 121A.40-121A.56, and proposed for expulsion.
3. Searches by school district officials in connection with the use, possession, or transfer of alcohol or a controlled substance will be conducted in accordance with school board policies related to search and seizure.
4. Nothing in paragraph IV.B.1. prevents a teacher or any other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.

D. Preassessment Team

1. Every school that participates in a school district chemical abuse program shall establish a chemical abuse preassessment team designated by the superintendent or designee. The team must be composed of classroom teachers, administrators, and to the extent they exist in the school, school nurse, school counselor or psychologist, social worker, chemical abuse specialist, and other appropriate professional staff. For schools that do not have a chemical abuse program and team, the superintendent or designee will assign these duties to a designated school district employee.
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 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 abuse.

E. Data Practices

1. Student data may be disclosed without consent in health and safety emergencies pursuant to Minnesota Statutes section 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 shall 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 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 six (6) months after the student is no longer enrolled in the district.
 - c. Destruction of records identifying individual students shall be governed by paragraph IV.E.2. notwithstanding Minnesota Statutes section 138.163 (Preservation and Disposal of Public Records).

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.

V. EMPLOYEES

- A. The school district shall establish a drug-free awareness program to inform employees about:
 1. The dangers of drug abuse in the workplace.
 2. The school district's policy of maintaining a drug-free workplace.
 3. Available drug counseling, rehabilitation, and employee assistance programs.
 4. The penalties that may be imposed on employees for drug abuse violations.
- B. The school district shall notify a federal granting agency required to be notified under the Drug-Free Workplace Act within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of any criminal drug statute conviction occurring in the workplace.

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PREASSESSMENT TEAM PROCEDURE

~~As outlined by M.S. 126.034, every school that participates in a school district alcohol and other drug program shall establish an alcohol and other drug abused preassessment team. Bemidji Area Schools will establish three teams: one for elementary (K-5), one for middle school (6-8) and one for high school (9-12). Each team must be composed of classroom teachers, administrators, school nurse, school counselor or psychologist, social worker and other appropriate professional staff. The preassessment team is responsible for addressing reports of alcohol and other drug abuse problems. These reports may come to the team from parents, concerned students, the students themselves, Inappropriate Behavior Referral forms and Law Enforcement Report of an Alcohol/Drug use.~~

~~In preparing for the preassessment team meeting, the following information should be gathered about the student:~~

~~Grades~~

~~School Attendance~~

~~Participation in Extracurricular Activities~~

~~Atypical Behavior~~

~~Disruptive Behavior~~

~~Physical Symptoms~~

~~The Strengths and Limitations of the Student~~

~~Potential Barriers to Resolving the Problem Behavior~~

~~The Extent to Which a Pattern of Problem Behavior has been Established~~

~~The Level of Support Available to the Student~~

~~The preassessment team is responsible for making recommendations on individual reported cases of alcohol and other drug use or suspected use. 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 the information about school and community services in connection with alcohol or other drug use. Data may be disclosed without consent in health and safety emergencies pursuant of Section 13.32 and applicable federal law and regulation. If the preassessment team decides not to provide a student and, in case of a minor, the student's parents, with information about school or community services in connection with alcohol and other drug use, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the determination is made. If the preassessment team decides 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 alcohol and other drug abuse, records created or maintained by the preassessment team about the student shall be destroyed not later than six months after the student is no longer enrolled in the district.~~

~~A public school teacher who knows or has reason to believe that a student is using, possessing or transferring alcohol and other drugs while on the school premises or involved in school-related activities, shall immediately notify the school's alcohol and other drug abuse preassessment team of this information. The teacher should use the Inappropriate Behavior Referral Form. A teacher who complies with this section shall be defended and indemnified under Section 466.07, Subdivision 1, in any action for damages arising out of the compliance. Nothing in this section prevents a teacher or any~~

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~~other school employee from reporting to a law enforcement agency any violation of law occurring on school premises or at school sponsored events.~~

REFERENCE: ~~M.S. 126.034 (School Preassessment Team)~~
~~M.S. Chapter 13.32 Data Privacy~~
~~M.S. 466.07 Subdivision 1~~
~~M.S. 466.07 Subdivision 1 (Indemnification Statute)~~

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. § 121A.61 (Discipline and Removal of Students from Class)
Minn. Stat. § 124D.695 (Approved Recovery Program Funding)
Minn. Stat. § 126C.44 (Safe Schools Levy)
Minn. Stat. § 138.163 (Preservation and Disposal of Public Records)
Minn. Stat. § 144.343 (Pregnancy, Venereal Disease, Alcohol or Drug Abuse, Abortion)
Minn. Stat. § 152.01 (Definitions)
Minn. Stat. § 152.02 (Schedules of Controlled Substances; Administration of Chapter)
Minn. Stat. § 152.22 (Definitions; Medical Cannabis)
Minn. Stat. § 152.23 (Limitations; Medical Cannabis)
Minn. Stat. § 299A.33 (DARE Program)
Minn. Stat. § 466.07, subd. 1 (Indemnification Required)
Minn. Stat. § 609.101, subd. 3(e) (Controlled Substance Offenses; Minimum Fines)
20 U.S.C. § 1232g (Family Educational Rights and Privacy Act)
20 U.S.C. §§ 7101-7122 (Student Support and Academic Enrichment Grants)
20 U.S.C. § 5812 (National Education Goals)
20 U.S.C. § 7175 (Local Activities)
41 U.S.C. §§ 8101-8106 (Drug-Free Workplace Act)
34 C.F.R. Part 84 (Government-Wide Requirements for Drug-Free Workplace)

PREASSESSMENT TEAM PROCESS

Referrals from:

Concerned Parents Student Concerned Students
Inappropriate Behavioral Referral Form
Law Enforcement Center Report of Alcohol

Referrals made to:

Preassessment Team made up of:
Classroom Teachers, Administrators, School Nurse,
School Counselor and Social Worker

Team Decides Not to
Provide Program Information
to Students or Parents

Provide Parents with Information
About School and Community Services

Parent Request No
School Involvement

Parents Request School Involvement

Student Referred to Social Worker for
Pre-Diagnostic Interview

No Documented Alcohol
or Other Related Problems

In-School Support
Services Provided

Referral to Outside Agency
For Assessment

No Need for Services

Referral to In-School
Support Services

Services Provided by Referral Agency

After Care Support Offered by School

CONFIDENTIAL

INAPPROPRIATE BEHAVIOR REFERRAL FORM

The school Preassessment Team is intended to systematically and professionally respond to the problems of students. This referral form is intended to provide school staff an opportunity to involve a student demonstrating inappropriate behavior with out preassessment so that his/her problem might be dealt with.

Please complete this form as accurately and thoroughly as you can. The information you provide may be shared with the student and his/her parents at the professional discretion of the Preassessment Team.

Thank you for your cooperation and concern.

List specific student behavior which seems inappropriate to you. Be as specific as possible.

Behavior **Location** **Time & Date**

List specific actions which you have taken in response to these behaviors.

Your Action **Location** **Time & Date** **Student's Response to Your Action**

Signed _____

School _____

Date _____

Time _____

Preassessment Team Action: